Nov. 1. 1900.

EAST INDIA DEBATE.

(b)

AN

AUTHENTIC ACCOUNT

OF THE

DEBATE IN THE HOUSE OF COMMONS,

ON

THURSDAY AND FRIDAY, THE FIRST AND SECOND DAYS OF JUNE 1786.

Upon a MOTION made by the Right Hon. EDMUND BURKE, charging WARREN HASTINGS, Esq. with *High Crimes and Misdemeanors*.

IN WHICH ARE GIVEN THE SPEECHES OF

Mr. Burke.	Mr. Hardinge.
Sir Lloyd Kenyon.	Mr. Young.
Mr. Wilbraham.	Mr. Scott.
Mr. Nicholls.	Mr. Jenkinson.
Mr. Powys.	Mr. Bouverie.
Mr. Pitt.	Mr. Anstruther.
Mr. Montagu.	Mr. Norton.
Lord North.	Mr. Burton.
Lord Mornington.	Mr. Wilberforce.
Lord Mulgrave.	Mr. Fox.
Mr. Windham.	Mr. Dundas.
Mr. Francis.	Mr. Strachey.
Mr. W. W. Grenville.	Mr. Martin, &c.
Hon. Mr. St. John.	

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HOUSE OF COMMONS.

THURSDAY, JUNE 1.

This day having been appointed for the HOUSE to reſolve itſelf into a COMMITTEE, to take into conſideration certain Charges of *High Crimes and Miſdemeanors*, exhibited againſt WARREN HASTINGS, Eſq. by the Right Hon. EDMUND BURKE.

The Hon. Mr. ST. ANDREW ST. JOHN took the CHAIR.

MR. BURKE ſtood up in his place, and began one of the moſt eloquent ſpeeches, which has been made in that Houſe for many years. In which he ſhewed, that he was perfect maſter of the ſubject, and of all the affairs of the Eaſt India Company. He began with a ſolemn invocation of the juſtice of that Houſe, which he ſaid was particularly due to the ſubject, as well

becauſe the national credit and character were deeply involved in the iſſue before them, as for the ſake of their own honour and dignity. He deſcribed in ſtrong language the preciſe queſtion to be decided, declaring emphatically that it was an appeal to Britiſh juſtice from Britiſh power! The Charge, he ſaid, contained matter which muſt either be criminal, or it muſt be a very falſe accuſation. There was no medium, no alternative. The reſult muſt be, that Warren Haſtings, Eſq. had been guilty of groſs, enormous, and flagitious crimes, or that he was a baſe calumniator, a wicked and malicious accuſer. He enlarged upon the degree of guilt aſcribeable to that man, who ſhould dare preſume to take up the time of the Houſe, by raſhly coming forward and urging groundleſs and ill-founded Charges againſt a perſon who had been entruſted with high and exalted offices in the Government of a part of our territories much larger and more extenſive than the whole Iſland of Great Britain. For any private man to ſuggeſt ſuch Charges would be to be guilty of a ſcandalous libel; and for any man, while under colour of authority to hurl the thunders of Parliamentary vengeance at the head of an innocent individual, would be ſuch an abuſe of power as would not fail to rouſe the juſtice and call down the puniſhment of that Houſe. There were, he ſaid, but three motives which

which where known to actuate men and incite them to turn accuſers, viz. Ignorance, Inadvertency, and Paſſion. By neither of theſe three had he been actuated: Ignorance he could not plead, becauſe he knew the ſubject as fully as the labour and ſtudy of five years could make him know it. Inadvertency, as little could he be charged with, becauſe he had deliberately proceeded and examined every ſtep he took in the buſineſs with the moſt minute and cautious attention: And leaſt of all could it be ſaid with any colour of truth, that he had been actuated by Paſſion. Anger indeed he had felt, but ſurely not a blameable anger; for who ever heard of an enquiring anger, a digeſting anger, a collating anger, an examining anger, a deliberating anger, or a ſelecting anger? The anger he felt was an uniform, ſteady, public anger, but not a private anger. That anger that five years ago warmed his breaſt, he felt preciſely now. He was, in reſpect to the Britiſh Government in India, exactly in the ſame ſituation that he had ſtood in, when he firſt took it up. Not all the various occurrences of the laſt five years, neither five changes of adminiſtration, nor the retirement of ſummer, nor the occupation of winter; neither his public nor his private avocations, nor the ſnow which in that period had ſo plentifully ſhowered on his head, had been able to cool that anger, which he acknowledged

to feel as a public man, but which, as a private individual, he had never felt one moment.—— Having ſtated this very fully, Mr. Burke ſaid, the queſtion he was going to ſubmit to their conſideration was not a perſonal conteſt; it was a national and an imperial queſtion, and not a trifling municipal regulation. It involved in it the honour of the country, and more particularly the honour and the juſtice of that Houſe. They ſtood pledged by a Reſolution of a former day to bring it forward. Let not their honour be tarniſhed, but let their character be ſafe, and let it be ſaid, with reſpect to its juſtice, *eſto perpetua*, whatever might become of him! He begged the Houſe would not regard the matter as a matter of party. There were no parties concerned in it, except the injured, the oppreſſor, and the accuſer. It became their immediate duty to conſider it in thoſe three points of view. With regard to himſelf, he called upon the juſtice, the honour, the dignity of Parliament, to denounce their utmoſt vengeance on his head, as the accuſer, ſhould it be found that he had dared to triſle with the ſacred character of the Britiſh Legiſlature.—— He had made up his mind completely upon the ſubject, and was ready and prepared to ſubmit himſelf to the ſevereſt puniſhment of that Houſe, if it did not turn out, that he had not wantonly and raſhly preferred a groundleſs Charge. Should it be

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their opinion, that he had idlely ſported with their time, and with the character of the Governor General, he did aſſure the Houſe he would not reſiſt their vengeance; being once turned out of the door he would not attempt to force himſelf in at the window, as other men at done. But in fact, what they had to vote that day was not the caſe of Mr. Haſtings; Mr. Haſtings was out of the queſtion; a matter of much higher import called for their deciſion. They were that day to vote a ſet of maxims and principles to be the guide and rule of future Governors in India; what they determined therefore, would decide the world as to their opinion of Britiſh juſtice and Britiſh policy. The code of political principles of Government they ſhould that day eſtabliſh as the principles of Britiſh Government in its diſtant provinces, would ſtand recorded as a laſting proof of their wiſdom and juſtice, or as a teſt of their injuſtice and folly. Lord Cornwallis, who was now going out with great additional powers to India, would learn from the deciſion of that day what the ſyſtem of Government was, and what the principles were as the baſis of that ſyſtem, that the Houſe approved. The diſtant dependencies had put their ſword into the hand of Britain; be it then their buſineſs to hold it as the ſword of juſtice, and not to turn it againſt the natives of India and uſe it as the ſword of vengeance,

geance, cruelty and murder! Having warmly declaimed for ſome time in this ſtyle, he alluded to the mode adopted by Rome as to the Government of her diſtant provinces, ſo long as a ſpark of patriotiſm and public virtue remained in her boſom. The Roman Empire, he ſaid, was an Empire of continuity, each province either being immediately acceſſible by land, or nearly ſo; they had likewiſe one general tongue to ſpeak with, ſo that each man was able to tell his tale in his own way. This common tongue was Greek, which with ſome of their own jargons conſtituted all their language, ſo that they in a manner realized the miraculous gift of tongues. They had another advantage, rather a melancholy one, as it aroſe from the very circumſtance of their being conquered; and it was, that the principal perſons who accompliſhed the conqueſt always acquired a property and influence in each new province by them ſubdued, and of courſe the vanquiſhed found patrons and protectors in the perſons of their conquerors. Each province was alſo conſidered as a body corporate, and conſequently each province was enabled to ſend their grievances to Rome collectively, and to ſtate them as ſpeaking with one mouth. Mr. Burke enlarged upon theſe ideas, and ſpoke of the noble character of an accuſer in Rome, and of the advantages that attended him in order to

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enable him to bring his charges home againſt a ſtate delinquent, who was ſtripped of his power and even of his rights of Citizenſhip, pending the proſecution, the better to enable the accuſer to make out and eſtabliſh his accuſation. He drew a diſtinction between this facility of coming at a Roman Governor charged with high crimes and miſdemeanors, and the extreme difficulty of making out any accuſation with effect, againſt a Britiſh Governor. He ſaid, when he conſidered that Mr. Haſtings had been for fourteen years at the head of the Government in India, and no one complaint had been ſent home againſt him, he trembled at the enormous degree of power he had to contend with, to which alone could be aſcribed the ſilence in queſtion; ſince it was not in human nature, ſituated as Mr. Haſtings had been, to preſerve ſo pure, even handed, and unimpeachable a conduct, as to afford no room for a ſingle accuſation to be ſtated againſt him. He mentioned alſo the never having ſeen the face of an Indian in this country, except a ſingle Mahratta, and ſtated the difficulties that muſt ariſe, ſhould any oppreſſed native of Hindoſtan madly venture to come to England to urge the complaint of the grievous oppreſſions he had laboured under. He dwelt on theſe circumſtances as additional reaſons that ought to operate with the Houſe, and induce them ſtill more anxiouſly to convince all India by

their deciſion that night, that they were the firm friends of freedom and juſtice, ever ready to relieve the oppreſſed and puniſh the oppreſſor. Having made a very long exordium, in which the ſaid a number of fine things, he came at length more particularly to the charges themſelves, and declared that excepting in ſome few points, the facts they contained had been admitted by Mr. Haſtings at their bar, in what he had called his defence, but which in fact he had couched and delivered rather in the ſtyle of their maſter, than that of the perſon they were accuſing of high crimes and miſdemeanors. He read a paſſage from Mr. Haſtings's defence againſt the Charge relative to the affairs at Benares, and dwelt on it as an expreſs avowal of a ſyſtem of deſpotiſm and arbitrary power, which Mr. Haſtings declared he had uniformly made the rule of his conduct. He reaſoned upon this for ſome time, and ſaid it was repugnant to any principles of government that he had ever heard of, and moſt eſpecially, where the conſtitution of the ſuperintending government at home was free. Having pointed out the miſchiefs that muſt neceſſarily ariſe from ſubordinate Directors of provinces exerciſing arbitrary and deſpotic authority, he proceeded to allude to the leading facts alledged in the different Charges againſt Mr. Haſtings, and particularly reprobated his rapacity after money, which he ſtated as one

of

of the prominent features of his government; obſerving that although he had told the Houſe when at the bar, that he went out to India with his education but half finiſhed, it was plain he had completed it in Bengal upon the true Indian ſyſtem. Nor was his unlawful taking of money ſingly a crime in his mind, but Mr. Haſtings's having always contrived to make the India Company a party in his rapacious proceedings was a very great aggravation of it, inaſmuch as it caſt an odium on the national character, by making a private vice appear to be aſcribable to a public feeling. After dilating for two full hours upon a variety of general points inſerted in the different charges, he came at laſt to a more particular detail of the circumſtances immediately precedent to the commencement of the Rohilla war, during its conduct and progreſs, and ſubſequent to its concluſion, deſcribing each with great minuteneſs. Had Mr. Haſtings, he ſaid, ſo conducted his Government as to leave a country that he found rich and fertile, encreaſed in its cultivation and in its produce; had he left its venerable nobles in poſſeſſion of their ancient honours and fortunes; its merchants in the purſuit of an improved and advantageous commerce, productive of a ſtill more enlarged return of wealth and uſury upon their capital; employed its huſbandmen in carrying their victorious plough-ſhares into deſarts

and woods, and warring againſt that deſtruction—ſolitude and famine—that warred againſt mankind, he would in that caſe have ſaid to the Governor General, "I enquire, not into your particular "conduct, I am ſatisfied with the reſult; I want "not to know, whether you made two or three "or five hundred thouſand pounds; keep what "you have got; you have made a numerous peo-"ple rich and happy, you have encreaſed the "commerce of the country, enlarged its means "of wealth, and improved its revenues; and in "ſo doing you have reflected honour and glory "on the character of the Britiſh nation." Juſt ſuch a people had the Rohillas been previous to their extermination; but, alas! they were now baniſhed, and their country no longer that luxuriant garden that every ſpot of it had been before the Rohilla war. He gave a hiſtory of the origin and life of Sujah Dowlah and Coſſim Ali Khan, and entered into an ample ſtatement of the affair of Nundcomar, and of all the facts that are contained in the Charge, and have been ſo often under diſcuſſion before; remarking that Sir Robert Barker had been offered 500,000l. and the remiſſion of an annuity of 250,000l. due from the Company before Mr. Haſtings came out, only for employing the Britiſh brigade in the conqueſt of a ſmall part of the Rohillas, belonging to Raffez Hamet; and that Mr. Haſtings had undertaken,

taken to extirpate the whole nation or tribe for 400,000l. After going through an infinite variety of particulars, he returned to the matter he had ſet out with, viz. an appeal to the juſtice of the Houſe, and a profeſſed readineſs to meet their vengeance ſhould he prove a falſe accuſer. Juſt before he ſat down he moved to have the Reſolution of May, 1782, which brands and ſtigmatizes Mr. Haſtings's conduct, read.

The *Maſter of the Rolls* deſired to know to what purpoſe the Hon. Gentleman wiſhed to have the Reſolution read?

Mr. *Burke* ſaid, he would do any thing that was reaſonable to accommodate any Gentleman; his motive for wiſhing to have the reſolution read was, in order to clear himſelf from the imputation of having raſhly and ſingly meddled with the ſubject, by ſhewing that the Houſe had in very ſtrong terms already reprobated Mr. Haſtings's conduct in regard to the Rohilla war.

The Reſolution having been read, Mr. *Burke* roſe again, and after a few more words, gave his motion to Mr. St. John, who read it to the Houſe, as follows:

"That Warren Haſtings, Eſq. being a covenanted ſervant of the Eaſt-India Company, and Preſident of their Council of Calcutta in Bengal, did, in the month of September, 1773, at a place called Benares, in breach of his duty, and

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of the truſt repoſed in him, and in direct contradiction to the true intent and meaning of the general orders of the Court of Directors of the Eaſt-India Company, frequently repeated, and to his own ſenſe of the coercive authority and wiſe policy of the ſame, enter into a certain ſecret and clandeſtine verbal agreement with a native Prince, called Sujah ul Dowlah, Nabob of Oude, for the purpoſe of thoroughly extirpating the nation, tribe, or people of the Rohillas, from whom the Company never had received any injury, or apprehended any danger whatſoever; and which people had not afforded, nor could in reaſon afford any juſt cauſe of fear or apprehenſion to, nor had committed, nor were preparing to commit, any act of hoſtility againſt the ſaid Sujah ul Dowlah; nor were ſubſtantially charged with any other offence againſt him than the non-payment of a ſum of money, claimed by the ſaid Sujah ul Dowlah, in virtue of an agreement * to which the Eaſt-India Company were not parties, *nor guarantees*; which ſum of money was denied to be due by the ſaid Rohillas; they alledging that the caſe, wherein the agreement was to be

* Sir Robert Barker ſigned the agreement. Bengal Appendix. page 91. See alſo Sir Robert's Evidence, page 4. He ſays, He did not conceive he bound the Company, by ſuch ſignature, "to a guarantee of the treaty by war."

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of force, did not exiſt; and that the conditions on which it was to be paid were not performed; and a memorial † to that effect was delivered by the principal of the Rohilla Chiefs, to the ſaid Warren Haſtings, during his ſtay at Benares, where he was carrying on a ſecret treaty for the extirpation of that people: And in that memorial, the ſaid Warren Haſtings was requeſted to take the merits of the ſame into conſideration, at the time of the diſcuſſion; but it does not appear, that the ſaid Haſtings did provide that any diſcuſſion ſhould be had thereon, or that the merits of the diſpute, and the ſeveral allegations of the contending parties were, by the ſaid Warren Haſtings, brought to any regular examination, or enquiry in preſence of the ſaid parties, or their delegates; which examination and diſcuſſion, (if he did conſider himſelf entitled to interfere in the diſpute) it was his duty to inſtitute, or to direct to be inſtituted by Commiſſioners properly appointed. And the ſaid Warren Haſtings, in conſequence of the clandeſtine treaty aforeſaid, and in conſideration of a ſtipulation by the ſaid Sujah ul Dowlah, for the payment of a ſum of money, nominally amounting to four hundred thouſand pounds; for which payment it was not his "intention to fix the

† Bengal Appendix, pages 83 and 91.

"mode

" mode, or even limits," did ſend a body of Britiſh troops to aſſiſt in effecting the unwarrantable and iniquitous purpoſe of extirpation aforeſaid, which purpoſe, without the ſaid aſſiſtance, he hath confeſſed, could not be effected; and he, the ſaid Warren Haſtings, did maliciouſly and treacherouſly proceed, without any notice given of his intentions to the ſaid people or tribe of Rohillas, by which they might be induced to an early ſubmiſſion, and an acquieſcence in the demand for the ſum of money pretended to be due; and without the offer of any mediation or propoſal of accommodation, or compromiſe to prevent extremities between the parties, and did levy an unjuſt and unprovoked war on the ſaid people or tribe of Rohillas; and did aſſiſt the ſaid Sujah ul Dowlah in an invaſion of their country; and the ſaid Sujah ul Dowlah, to whoſe uncontrolled diſcretion the whole conduct of affairs was unwarrantably left by the ſaid Warren Haſtings, being notoriouſly a man of a fierce, proud, and vindictive temper, and faithleſs principles; and being reſolved, at all events, on the utter deſtruction of the ſaid people, did inſolently and obſtinately refuſe to liſten to the offers of accommodation which were made by, and on the part of the ſaid people or tribe of the Rohillas, or the leading Chief thereof, both to him and to the Commander of the Britiſh Forces employed in the

ſaid

ſaid war, before any battle was fought or any blood was ſhed; and the ſaid Sujah ul Dowlah having thus refuſed the ſubmiſſions and offers for peace, made on the part of the ſaid people or tribe of Rohillas, did carry on the ſaid unjuſt war in a barbarous manner, by an unneceſſary waſte and deſtruction of the country, and with many circumſtances of violence and oppreſſion; and the ſaid people or tribe of Rohillas, with their wives and children, and dependents, to the number of many thouſands, were, in conſequence of the ſaid treaty for their extirpation, firſt plundered of all their moveable ſubſtance, and then were cruelly and inhumanly expelled from their landed properties, their habitations and their country, without any proviſions made for their ſubſiſtence; and the ſurviving Chiefs of the ſaid people or tribe, and their families, were reduced, for ſome time, to great want and diſtreſs; and the wife of the principal of them, the wife of Hafiz Rhamet, was dragged about the country, with many circumſtances of indignity and contumely; and others of the Chiefs were deluded by Special Envoys, ſent to them, both before and after the commencement of actual hoſtilities, aſſuring them of favour and protection; and three letters written by the Nabob, one the 23d of March, 1774 ‡, another of the 4th of April,

‡ Bengal Appendix, page 409.

1774, and a third without a date, all to the ſame effect, namely, " There was not the ſmalleſt dif-
" ference between them, nay, that there was the
" firmeſt friendſhip; that all would be well;
" that they are very dear to him, and have long
" been impreſſed on his heart; that he had long
" had a *true* regard for their families; and that
" now they had renewed their former union, all
" would be well; that they would ſoothe all the
" Rohillas who are diſpoſed to obey him; that
" he regarded the families of the Rohillas as his
" own; and that they may remain in their own
" poſſeſſion, in Biſſoulee, in perfect ſecurity;
" and, that by the favour of God, no one ſhould
" receive an injury." Which aſſurances of ſecurity and protection, and even friendſhip, were in every one of the ſaid three letters, ſtrongly repeated, on condition that they, the Rohillas aforeſaid, raiſed no commotion, and no commotion was raiſed; and the ſaid Chieftains, in confidence of the reiterated aſſurances aforeſaid, remained in their own houſes, and were with-held from engaging with Hafiz Rhamet, in the common defence, in the deciſive battle, called the battle of St. George, fought on the 23d of April, 1774; yet the Chiefs aforeſaid, and all their people, were perfidiouſly involved in the general calamity, and even treated with circumſtances of greater rigour, indignity and inhumanity than

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the reſt. And one Chief alone of the whole nation, called Fizulla Khan, who had ſecured himſelf in a ſtrong place, was admitted to a capitulation for a ſmall part of the Rohilla country, which capitulation and treaty was, by the Commander in Chief, Colonel Champion, entered into againſt the will of the ſaid Haſtings; the ſaid Haſtings declaring, "That with reſpect to "Fizulla Khan, he appears not to merit our "conſideration. The petty Sovereign of a coun-"try, eſtimated at ſix or eight lacks [ſixty or "eighty thouſand pounds ſterling a year] ought "not for a moment to prove an impediment to "any of our meaſures, or to affect the conſiſtency "of our conduct." And that the ſaid Warren Haſtings did diſcourage the repreſentations from the ſaid Commander in Chief, and did refuſe to authoriſe the ſaid Commander in Chief to interfere with effect in the prevention of the unworthy and cruel proceedings aforeſaid, contenting himſelf with ſome fruitleſs remonſtrances, through his own agent, Nathaniel Middleton, Eſq. who was apprehenſive that his interceſſion might make the condition of the priſoners ſtill worſe.——And the ſaid Warren Haſtings did deliver over the country of the ſaid Rohillas, to the arbitrary diſcretion of the aforeſaid Sujah ul Dowlah, without any ſtipulation for the good government of the remaining inhabitants, now remaining therein

but an helpleſs multitude of the inferior people; and that the ſaid Warren Haſtings hath not, at any time ſince, interfered, to prevent the oppreſſion of the ſaid remaining inhabitants, ſo by him delivered up to miſgovernment and tyranny, as aforeſaid; by means whereof, the country of the ſaid Rohillas, the whole of which (according to the account of one of his, the ſaid Haſtings's agents) was, under the Rohilla "Government, a "garden, without one uncultivated ſpot," hath fallen into a miſerable ſtate of indigence, decay, and depopulation: By all which acts done, perpetrated, procured, authorized and permitted by the ſaid Warren Haſtings, he, the ſaid Warren Haſtings, was, and is, guilty of High Crimes and Miſdemeanors."

Mr. *Wilbraham* roſe to ſupport the Motion, declaring that for the ſake of Mr. Haſtings's honour, he hoped the Houſe would ſuffer the Charges to go to the Houſe of Lords, for there and there only Mr. Haſtings could have what he ſaid at the Bar he was ſo anxious for, a full acquittal. Mr. Wilbraham ſpoke ironically on the wonderful and tranſcendent conciliatory talents of Mr. Haſtings, who, he ſaid, had found means to conciliate Sir Elijah Impey after a public quarrel; he had alſo found means to conciliate the Honourable Gentleman, who at this time with ſo much ability appeared as his agent in that Houſe; and

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he had beſide conciliated a Right Honourable and learned Gentleman who originally moved the Reſolution they had juſt heard read. The Honourable Governor would, he had no doubt, make an ample diſplay of his conciliatory talents in the Houſe of Lords. Mr. Wilbraham after this made a few remarks on the queſtion itſelf, and particularly on the interpretation that had been put on Sir Robert Barker's having ſigned the treaty with the Rohillas, denying that ſuch atteſtation could fairly be conſtrued into a guarranteeing of the treaty on the part of Sir Robert Barker, and ſtating the miſchiefs that would enſue if every military officer's witneſſing a treaty was to be conſidered as giving it the effect of a guarrantee.

Mr. *Nicholls* roſe to oppoſe the Motion. He gave a relation of all the facts relative to the charge; beginning with a deſcription of the Rohillas, who, he ſaid, were originally adventurers and a warlike people, but were neither the cultivators of the ſoil, nor the collectors of the revenue; they croſſed the Ganges and took poſſeſſion of Rohilcund, about the year 1741, and held the offices of power ever ſince, till the period of their expulſion in 1775. Mr. Nicholls juſtified every ſtep that had been taken by Mr. Haſtings, and inſiſted upon it, that Sir Robert Barker's atteſtation was with a view to guarrantee the

the treaty. He ridiculed Mr. Burke's idea that Sir Robert Barker only guarranteed the treaty on the part of the Rohillas, declaring that no man ever heard of a guarrantee on one ſide only. *Sujah ul Dowlah*, he reminded the Houſe, had been our ally, and that our intereſts being neceſſarily involved in his, when it appeared to be his determination to make war on the Rohillas, we were obliged in a manner to join him; but he did not deem the making the Rohillas croſs the Ganges an extirpation, any more than ſending the Auſtrian army out of Auſtria would be an extirpation of the whole Auſtrian nation. He went through the hiſtory of the ſale of the Provinces of Corah and Illahabad, and juſtified the demanding of the five additional lacks of rupees, when the Vizier deſired to ſuſpend the war he had meditated againſt the Rohillas. He alſo juſtified that part of the charge relative to Mr. Haſtings's conduct in regard to his ſecret manner of conducting the treaty of Benares, and ſummed up his ſpeech by declaring that he would give his negative againſt the queſtion, becauſe he was ſatisfied that Mr. Haſtings was not guilty of any of the facts alledged againſt him as ſtated in the Charge.

Mr. *Powys* owned his ſurpriſe at the ſort of queſtion the Houſe was called upon to vote; declaring at the ſame time that he did not aſcribe it to any improper intention on the part of his

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Right Hon. Friend, who had with ſuch wonderful ability expatiated upon it; but he had imagined that the Committee would not have been expected to do more, than vote ſome general Reſolution that night, ſuch as; *that the Charge contained matter of a criminal nature*, or words to ſomething like that effect. To explain what he meant more fully, Mr. Powys ſaid the preſent Motion enumerated almoſt every fact alledged in the Charge as a criminal fact.—To that extent he was not prepared to go. Several of the facts did not appear to him to have been proved; or if proved, not to have been criminal; others, on the contrary did appear to be criminal, and he was ready to vote them. If the Right Honourable Gentleman would withdraw his Motion and put it generally, as he had hinted, he would vote for it; if the preſent Motion was to ſtand, he muſt go through its detail, and ſeparate what he thought criminal, and was prepared to vote, from what he entertained a different opinion about. He would pauſe for an anſwer—

Mr. *Burke* roſe and ſaid, every thing that came from his Hon. Friend had great weight with him, and he would inform him why he had drawn the Motion in its preſent form. The Right Hon. Gentleman oppoſite him, for whoſe ſituation and abilities he entertained great reſpect, had deſired that the Motion might be propoſed, as nearly as poſſible,

poſſible, in the form in which he ſhould be of opinion it might go to the Houſe of Lords. Being therefore well aware, that the Houſe of Lords would expect the articles ſent up, as grounds of an Impeachment, to contain a ſpecific ſtatement of facts and periods of time and place, he had drawn his Motion accordingly, but he was not wedded to its form. If in addition to the Honourable Gentleman's opinion, which alone had great weight with him, he ſhould find it to be the opinion of the Houſe, he had no objection to retire for a minute or two, and draw up a ſhort general Motion of the nature pointed out, and which, but for the reaſon he had ſtated, would certainly have been the form in which he ſhould have introduced it.

The Chancellor of the Exchequer joining in opinion with Mr. Powys, and likewiſe Mr. *Wilberforce*; thoſe Gentlemen, as well as Mr. Fox, ſuggeſted different forms of Motions, ſo as to meet the general idea, whereupon Mr. Burke withdrew his firſt Motion, and that moved by Mr. Powys was taken as the ſubject of the ſucceeding debate.

Mr. *Powys* then roſe again and reſumed his argument, and began with declaring, that the part of the Charge that related to an imputation of cruel treatment to the priſoners had not been proved or brought home to Mr. Haſtings. He

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ſtated what facts he thought had been proved, and eſpecially that of extirpating the Rohillas. He anſwered Mr. Nicholls's argument, that forcing the Rohillas to croſs the Ganges was no more the extirpation of a nation, than obliging the Auſtrian army to quit Auſtria, would be extirpating the Auſtrian nation; and aſked, what the Hon. and learned Gentleman would think if the Militia of England were compelled to quit the Iſland of Great Britain? He reaſoned upon many parts of the Charge, and read ſome Extracts from Mr. Haſtings's own letters, making ſeveral ſhrewd and ſtriking diſtinctions between what appeared to be criminal and what otherwiſe. He declared upon the whole, he ſaw no ground to impute either perſonal or vindictive motives to Mr. Haſtings; and, therefore, though he ſhould vote for the Motion, he begged to be underſtood as by no means pledging himſelf to vote for the other Charges, or to vote for carrying up articles of impeachment to the Houſe of Lords, merely on the ſingle ground of the preſent Reſolution. In the courſe of his ſpeech, he alluded to the circumſtance of Mr. Haſtings having been appointed three ſeveral times by the ſame Adminiſtration after the affair of the Rohilla war, and ſaid, it was undoubtedly a circumſtance in his favour; but what muſt the Houſe think of the conduct of that Adminiſtration, who could not but know of all

the criminal facts ſtated in the Charge of that day, and yet continued to employ him in ſo high an office, while the ſuſpicion of weighty criminality appeared ſo ſtrong againſt him.

Mr. *Montagu*, (a new and very young Member) in a ſhort ſpeech obſerved, that the recovery of the forty lacks of rupees due from the Rohillas to Sujah ul Dowlah, was the only aparent and oſtenſible reaſon for commencing the war upon that people, but it was evident there had been ſome other reaſon which ought to be known and ſtated.

Mr. *Powys* miſapprehending Mr. Montagu, roſe to explain a part of his ſpeech.

Mr. *Montagu* replied, and reſtated what he had before ſaid, in order to prove that he did not apply to any thing that had been ſaid by Mr. Powys.

Lord *North* roſe, he ſaid, to explain a matter perſonal to himſelf, that had been alluded to by Mr. Powys. His Lordſhip then gave an account of his conduct while at the head of Adminiſtration, relative to the appointment of Mr. Haſtings, three ſeveral times. He ſaid, when the Bill appointing a new conſtitution for the Eaſt India Company, and abridging part of the powers before enjoyed by the Directors, (for that the Bill undoubtedly did, being what was generally deemed, a ſtrong Parliamentary meaſure, juſtified by the neceſſity

neceſſity of the times) was before the Houſe, it was moved by him to nominate Mr. Haſtings for five years Preſident of Calcutta, and after that time the power of nominating their chief ſervants in India, was to revert to the Court of Directors, and be by them enjoyed as before: by the ſame Bill General Clavering, Mr. Monſon, and Mr. Francis had been appointed (and a better Council, or one on whom too much praiſe could not be beſtowed, had never been ſent out) at that time the news of the Rohilla war, and all its circumſtances had not reached England. Soon after the arrival of the new Council, in India, they ſent home complaints againſt the Governor General, on the ſubject of the Rohilla war, ſtating ſuch facts as had then come to their knowledge. As ſoon as he was apprized of thoſe facts, his Lordſhip ſaid, he thought Mr. Haſtings's conduct highly cenſurable, and he ſent to the Court of Directors (with whom the power of appointing new ſervants, ſubject to the controul of his Majeſty's Miniſters lay) and deſired them to make every poſſible exertion for the recal or diſmiſſion of Mr. Haſtings. The Court of Directors condemned Mr. Haſtings's conduct as much as he did, a Court was called, and his diſmiſſion reſolved. That vote of the Directors, however, was rendered abortive by the Court of Proprietors, among whom Mr. Haſtings had ſo many friends, that they ſent back the vote

of the Court of Directors, and kept Mr. Haſtings in his ſituation. No other means for removing him, therefore, could have been reſorted to, but his bringing in a new Bill to alter again the Conſtitution of the Eaſt India Company. That as their Conſtitution had been ſo lately ſettled he did not think adviſeable, becauſe, if any alteration had been made, he muſt ſtill further have encroached on the powers of the Court of Directors. At a ſubſequent period, two Gentlemen, (Mr. Grant and Mr. L. Macleane) came over from India, and made it appear to the Court of Directors, that they were authorized to make a tender of Mr. Haſtings's reſignation; the Court accepted the reſignation, and Mr. Wheler was appointed to ſucceed Mr. Haſtings; but on their return to Calcutta, Mr. Haſtings refuſed to acknowledge that he had given the Gentlemen any authority to tender his reſignation, and would not give up his office. In 1778, when a new Bill was neceſſary to be paſſed, the French war commenced, and he did not think that a fit time to make an alteration in the conſtitution of our Government in India, and conſidering Mr. Haſtings as a man of abilities, he continued him in his Government. His Lordſhip accompanied theſe explanations with expreſsly declaring that he had, ever ſince he firſt heard of the Rohilla war, uniformly condemned it, and that one reaſon for his not recalling

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Mr. Haſtings, was an expectation that he would voluntarily reſign, from knowing that the Court of Directors continued to condemn his acts, and he (Mr. Haſtings) to declare, that he would not continue under the circumſtance of having every meaſure he took condemned.

The Earl of *Mornington* declared the Noble Lord had aſſigned ſome ſuch very extraordinary reaſons for his having three times appointed Mr. Haſtings to the chief place in the Government of Bengal, ſubſequent to the Rohilla war, that he could not paſs them by. Firſt the Noble Lord had ſaid, he knew nothing of the Rohilla war till lately; this was an extraordinary declaration from a Noble Lord who had been at the head of his Majeſty's Councils at the time. For who ought to know ſuch a fact, but an Admin.ſtration poſſeſſing the then newly given controul and inſpection over the Company's affairs and diſpatches? Next the noble Lord had expreſſed great delicacy with regard to interfering with the Eaſt India Company's conſtitution. He was glad to hear the noble Lord's delicacy on that ſubject had been of ſuch antiquity; he preſumed therefore, that it had been owing to that ſubſerviency which a Right Hon. Gentleman [Mr. Burke] had lately talked of exacting from all thoſe parties, which coaleſced with him and his friends, that the noble Lord had condeſcended to purſue that line of conduct that he had

had followed in reſpect to a Bill relative to the Eaſt India Company, that had been not a little famous in that Houſe and throughout the country. His Lordſhip ſaid farther, that the noble Lord had ſtated to the Houſe, that the Court of Directors condemned every one of the acts of Mr. Haſtings, and therefore the noble Lord thought it would be wrong to turn him out of his government; which was ſo extraordinary a reaſon, that he would hope the noble Lord would favour the Houſe with ſome explanation. He alſo obſerved that the noble Lord had not yet ſtated, what his opinion was reſpecting the preſent queſtion; he wiſhed he would be ſo good as to explain that at the ſame time.

Lord *North* roſe and explained his former poſitions, admitting that they required ſome explanation. With regard to any delicacy that he felt about the Eaſt India Company's conſtitution, he did not recollect to have put the queſtion on delicacy; and as to *Chartered Rights* he had not ſaid one word about them. If the noble Lord wiſhed to know why he did not move or take a part in ſupporting that Bill, during the war; he was ready to admit, that the moving it when it was moved, did him no good, and the loſs of it was, in his mind, a great public evil—[a loud laugh]—Had it been moved in the war time, it certainly would not have made his adminiſtration

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more firm. With regard to his opinion on the preſent queſtion, if the noble Lord would have the patience to wait till he voted, he would then ſee what his opinion was; for as yet he had not ſaid one word about it; and indeed it would become both the noble Lord and himſelf to wait till they had heard more argument on the ſubject before they ventured to deliver their opinions.

Mr. *M. A. Taylor* ſpoke in favour of the Motion, and with much ability and information elucidated the doctrine of guarranteeſhip; proving from thence, that the Company were by no means guarrantees to the treaty between the Rohillas and Sujah ul Dowlah, and of courſe that Mr. Haſtings had no excuſe whatever for entering into a war with the latter againſt the former. Sir Robert Barker had told them at their bar, that when he ſigned the treaty he had not done it with any intention that it ſhould make the company guarrantee to that treaty, but ſimply as an atteſtation. He pointed out what he thought neceſſary to conſtitute guarranteeſhip—that there ought to be three parties to the treaty, the two contracting parties, and that which was to guarrantee; that the relation of the parties to each other, ſhould be ſpecially recited, and of courſe the intention of one of the parties to become guarantee, be fully ſet forth; and that without ſuch recital and particular ſpecification there could be no guarantee,

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and any ſignature could only ſtand as a ſimple witneſs. He went fully into the general queſtion, and took an extenſive view of the period of Eaſt Indian hiſtory to which the Charge related, ſupporting his argument as he went on, by judicious applications of ſeveral parts of the evidence that had been given in. The whole of his ſpeech tended ſtrongly to fix on Mr. Haſtings the ſtrongeſt ſuſpicion of criminality as far as the Houſe could be enabled to judge from the *ex parte* evidence before them, and to enforce the neceſſity they were under of finding the article, and bringing the whole to a final and complete iſſue.

Mr. *Hawkins Browne* advance a few pointed arguments in defence of Mr. Haſtings, and againſt the Motion.

Mr. *Windham* entered into a diſcuſſion of the Queſtion and argued the point as to whether Sir Robert Barker's having atteſted the treaty at Benares amounted to a guarantee or not. He applied an infinite deal of cloſe and ingenious reaſoning to this particular; contending that as Sir Robert had declared he ſigned the treaty merely becauſe otherwiſe the Rohillas would not have had faith in the Vizier; if Sir Robert was to be conſidered as a guaranttee at all, it muſt be as a guarantee and ſecurity to the Rohillas. But putting that circumſtance out of the queſtion, Mr. Windham aſked, whether it was pretended

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the Rohillas had violated the treaty? No ſuch pretence was urged, and therefore Mr. Haſtings was left without excuſe for his conduct in having employed the Britiſh arms to attack and extirpate a nation or tribe, who had given no offence to the Britiſh forces or the Britiſh civil government in India. Mr. Windham dwelt alſo on the highly ſuſpicious circumſtances under which Mr. Haſtings had negotiated the treaty at Benares, and aſſigned a variety of reaſons for giving his ſupport to the Motion.

Lord *Mulgrave*, on the other hand, defended the conduct of Mr. Haſtings; declaring, that he could make out the policy and would aſſume the juſtice of it. His Lordſhip reſted a good deal of his argument upon the cuſtoms of the Eaſt, where treaties, he ſaid, were generally negociated ſword in hand, and the Commander in Chief was uſually deemed by the native Princes the ſupreme power. This he applied to Sir Robert Barker's having ſigned the treaty as a mutual guarantee between the Nabob Vizier, our ally, and the Rohillas.

Mr. *Hardinge* ſaid, that his own feelings and his duty to the public, had, after the moſt mature conſideration, determined him as to the vote he ſhould give on the preſent occaſion, which ſhould certainly be in the affirmative of the Motion before the Houſe. He flattered himſelf, that there

was nothing in his general conduct and character that could ſubject him to a ſuſpicion of being influenced, either by perſonal acrimony againſt Mr. Haſtings, or by the tide of party prejudice —In fact, his only aim was to promote the true intereſt of his country, the honour of that Houſe, and the diſtribution of impartial juſtice. He was ſorry, he ſaid, to ſee a tendency in ſome of thoſe Gentlemen who had ſpoken againſt the Motion to adopt thoſe pernicious principles, with which the Houſe had been poiſoned at the time of the enquiry into the conduct of Lord Clive—when it ſeemed to be laid down as a fundamental maxim, that in the adminiſtration of public affairs, no ſort of weight ought to be given to the calls of conſcience or of honour, and that morality and good policy were totally incompatible with each other. The charges againſt Mr. Haſtings were of a very ſerious and alarming nature, and ſuch as the juſtice of the country was loudly called upon to bring to the ſtricteſt trial. He ſhould not then pretend to ſay, whether he in fact, thought Mr. Haſtings guilty of the crimes imputed to him; he ſincerely hoped he might finally be acquitted of them all; but he was fully convinced that the charges were of ſufficient force, and the *ex parte* evidence produced in ſupport of them ſufficiently clear to make it indiſpenſibly neceſſary for that Houſe, in diſcharge of

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its duty, as the grand inqueſt of the nation, to ſend the enquiry to a tribunal in which the evidence on the other ſide might alſo be examined, and a juſt and proper reſult might follow. This was not only due to the public, but to the two Gentlemen principally concerned; as well to Mr. Haſtings as to the Right Honourable Gentleman who had inſtituted the proceeding. And he hoped that the Houſe would take care, that they ſhould leave no room for a ſuſpicion that they intended to ſcreen a public delinquent from trial, which would be the only interpretation that could be put upon their giving a negative to the queſtion.—Such a conduct as this would, he ſaid, affix a ſtigma, not only on that Houſe, but on the country at large; a ſtigma that would cling to the nation, like a poiſoned ſhirt defiling and polluting its reputation, not merely for the preſent moment, but when the diviſions of the now exiſting parties ſhould have been forgot, that would deſcend as a legacy to our remoteſt poſterity. Mr. Haſtings had already ſhewn himſelf too great for his maſters, the Court of Directors: he had ſhewn himſelf too great for his Majeſty's Miniſters, (and, by the bye, he could not reflect upon the circumſtances of that triumph, without expreſſing the moſt marked reprobation of the conduct, which the noble Lord in the blue ribband obſerved on the occaſion of it,) and he

had ever been great enough to reſiſt, with ſucceſs, the cenſure of that Houſe; but he hoped, great as he was, he would not be found powerful enough to baffle and confound the higheſt authority in the State which was now called forth againſt him; and to prove that it was poſſible for a ſubject of this country to create a degree of influence for himſelf that ſhould protect him, not only from puniſhment, but even from enquiry. The greatneſs of Mr. Haſtings was of a peculiar nature, and might be collected from that extraordinary compoſition that was called his Defence, in which his true character was pourtrayed in as preciſe a manner as the Britiſh language could do. In that defence he had fully and clearly detailed to the Houſe the ſyſtem and principles by which his government had been conducted. That ſyſtem and thoſe principles were ſuch as he by no means approved of, and ſuch as naturally muſt have led Mr. Haſtings into meaſures ſimilar to thoſe which were then the objects of enquiry. He had juſtified his conduct rather by its neceſſity than its propriety, and made notable uſe of the Court of Directors. Mr. Hardinge pointed out three ſeveral uſes Mr. Haſtings made of the Court, to which he deſired the particular attention of the Houſe. As one of theſe uſes, Mr. Haſtings had attempted to ſhew that the cenſures of the Eaſt India Company were

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the only puniſhment he had a right to expect, and that their approbation was a full and complete acquittal. He had alſo put in a plea which, from the beginning he feared would be relied upon, and which on a former occaſion he had deprecated—the plea of a *ſet off*. His merits, whatever they might have been, would certainly be very proper grounds for the Crown to proceed upon, in extending its mercy to him in caſe of conviction—but by no means a ground for acquittal on his trial, much leſs of declining to find the charge againſt him in order to the inſtituting a proſecution. He ridiculed the idea of Mr. Haſtings laying any ſtreſs on the recommendation of him to his Majeſty by Madajee Scindia, a perſon with whoſe character, he ſaid, he was well acquainted, and whom he knew to be a man of ſuch principles as rendered his good opinion of no manner of conſequence. After dwelling with great ingenuity for a long time on the general ſubject of Mr. Haſtings's Government, which he put into many points of view, and on which he diſplayed great political knowledge, he entered more particularly into the Charge then before the Houſe. He went over the ſubject of guarranteeſhip, in which he ſaid he perfectly coincided with a learned Gentleman (Mr. Taylor) who had ſpoken with great ability. He inſtanced ſeveral treaties in the Eaſt-Indies to which the Company

pany were guarrantees, which were not done by ſimple ſignature and atteſtation; but in the ordinary way, by making the guarrantees a party to the treaty; and another treaty to which the Company in the perſon of one of their ſervants had given their ſignature, which treaty they were not held either by themſelves or the parties to be guarrantees. This, he argued, plainly proved that a ſimple ſignature was not ſufficient to create guarranteeſhip. He enlarged very much on the Rohilla war itſelf, and obſerved, that a noble Lord (Lord Mulgrave) had taken a very curious mode indeed of debating that queſtion, for he had avowed that he would confine himſelf ſolely to the neceſſity of that meaſure, and aſſume the juſtice of it.——This, Mr. Hardinge ſaid, was a very broad aſſumption indeed, and for his part he ſhould take a very different courſe, for he would leave entirely out of the queſtion the neceſſity, and would undertake to prove the injuſtice of it. It is impoſſible for us to go into his argument on this ſubject, it was principally directed to the ſame object which Mr. Burke had introduced. He concluded with ſaying, that although the *ex parte* evidence before the Houſe was ſuch as made it abſolutely neceſſary, for them, (unleſs they meant to ſcreen a ſervant of the public from enquiry), notwithſtanding the ampleſt grounds of ſuſpicion to find the article,

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yet he was not without hopes, that Mr. Haſtings would on his trial be able to produce ſuch evidence on the other ſide as ſhould procure his honourable acquittal.

Mr. *Fox* roſe, but there being a general cry of "*Adjourn! Adjourn!*" Mr. Fox ſaid, he thought the Cry a very proper one, and ſuch as he ſhould willingly give way to, as he had much rather ſay what he wiſhed to offer to the Houſe another day than then, and the more eſpecially as he could not promiſe to be very ſhort.

The *Chancellor of the Exchequer* agreed, that it would be right to adjourn, but appealed to the candour of the Right Hon. Gentleman and his friends, whether if any gentleman of the ſeveral he had ſeen on their legs, wiſhed to reply to the particular points in the very able ſpeech juſt delivered by an Hon. and learned Friend of his, in order to remove any impreſſion that they might think required to be inſtantly done away, they ought not to be allowed to ſpeak before the Houſe parted.

This being univerſally aſſented to, Mr. *Vanſittart* ſaid a few words in juſtification of Mr. Haſtings's conduct, relative to the negociation of the Treaty of Benares; declaring he had two of the Company's principal ſervants with him, who knew what paſſed, and that he always committed to writing every converſation he held with

with Sujahritul Dowlah, as ſoon as he returned from it.

The *Lord Advocate* alſo made a ſpeech againſt the Reſolution, and in favour of Mr. Haſtings, but the Houſe were ſo impatient we could not hear his argument diſtinctly enough to be able to report it.

The Houſe having ſat until half an hour paſt three o'clock on Friday morning, the Debate was, by general conſent, adjourned until four o'clock in the afternoon of the ſame day (Friday).

FRIDAY,

FRIDAY, JUNE 2.

The Order of the Day was read for going into a Committee, &c. And Mr. ST. JOHN having again taken the Chair, the Motion was read, *viz.*

" That this Committee having conſidered the " ſaid Article, and examined Witneſſes there- " upon, is of opinion that there is ground for " charging Warren Haſtings, Eſq. with High " Crimes and Miſdemeanors upon the matter of " the ſaid Article."

Mr. *Francis* began the debate, which he ſet out with obſerving, that the debate was a continuation of an adjourned debate; and as they were in a Committee, he preſumed that he was perfectly in order when he offered any additional obſervations on the ſubject of diſcuſſion. He then took an extenſive retroſpect of the tranſactions in India prior to, and during the Rohilla war. He mentioned, that when Meſſrs. Clavering, Monſon, and himſelf, were appointed to go to India to take a ſhare in the direction of affairs, Mr. Haſtings was, at that time, in the plenitude of his power and reputation.—He had left Europe with a very high idea of Mr. Haſtings' abilities;

and, previous to his appointment, had, on every occaſion, aſſented to the encomiums beſtowed on him. The Gentlemen who had accompanied him, entertained ſimilar high notions of the rectitude of Mr. Haſtings's conduct and abilities. Thus fortified by the general opinion concerning Mr. Haſtings, they had embarked for India, not only with conſiderable partiality in his favour, but he (Mr. Francis) declared, that he had at that time a paſſionate regard for the character of that man whoſe conduct he was now obliged, from motives of humanity and juſtice, to cenſure, as having acted diametrically contrary to the true Britiſh ſpirit and policy. The very firſt inſtance which made him alter his ſentiments concerning Mr. Haſtings, had been communicated to him upon his arrival at Madras. He then received the firſt information relative to Mr. Haſtings having countenanced and ſupported the infamous war againſt the Rohilla nation. As ſoon as he and his colleagues in power had received the intelligence, they expreſſed great aſtoniſhment at Mr. Haſtings' erroneous policy; and from an impartial conſideration of the ſeveral circumſtances, he was convinced, that they were juſtified in having changed their opinion concerning the man whom they had till then believed to have been actuated by very different principles.

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With regard to any animadverſions which he made relative to the conduct of Mr. Haſtings, he declared that he had advanced nothing but what he would willingly and readily affirm, were the ſuppoſed delinquent within the walls of that Houſe. The abſence of the Gentleman made him, he aſſured the Houſe, talk with much more delicacy and circumſpection than if he were preſent. He then took a very extenſive view of the origin and progreſs of the Rohilla war, deſcribing the motives which had impelled Mr. Haſtings to adopt that pernicious meaſure. He inſiſted, that Mr. Haſtings had been induced to proſecute the war from the impulſe of avaricious principles; and that his adoption of that infamous act had not only blaſted his reputation, but ſtained the fair fame of the Britiſh government. He made ſeveral references to the minutes, correſpondence, and defence of Mr. Haſtings, to corroborate his arguments. With regard to the Rohillas, they were a nation of great honour and importance in India. It was nugatory to declare, that as they had only been in the poſſeſſion of the country about ſixty years, they might be expelled or extirpated without any violation of juſtice. The very circumſtance of their having poſſeſſed the country about ſixty years without moleſtation, and without having their right diſputed by their neighbours, was certainly the moſt convincing

proof of the juſtice of their poſſeſſion. It muſt therefore appear, that Mr. Haſtings, who had been induced from avaricious motives, and without any provocation whatever, excepting the pretended refuſal of the payment of forty lacks of rupees, had proceeded on principles the moſt deteſtable and pernicious. So great was the influence of the Rohillas in India, that even upon a ſudden emergency, they could bring to the field 80,000 men. This was proved by the opinion of Mr. Vilette, whoſe authority had been acknowledged to be very reſpectable. Recurring to Mr. Haſtings's own documents, he made ſome obſervations on a paſſage which was thought to convey ſufficient apology for his conduct. The application of the words "extirpate or exterminate" he conſidered (ironically) as a figurative expreſſion for the "expulſion" of the nation of Rohillas. It might, perhaps, by his friends be conſtrued into a gentle or delicate meaning; but, in his opinion, the application of the words extirpate, exterminate, or expulſion, conveyed a very ſerious meaning. The extirpation or extermination of a whole people, who had been conſidered for a ſeries of years as the lawful poſſeſſors of the country, was a matter which would very naturally alarm and wound the feelings of mankind. For inſtance—How would it appear to the reſt of the inhabitants of Europe, if, without

out any other provocation than the mere refuſal of an immediate payment of a ſuppoſed debt, the Britiſh nation were expelled from their native country, and obliged to live within the boundaries of Ireland? Beſides, the maſters and employers of Mr. Haſtings, the Court of Directors, had frequently ſignified their abhorrence of the Rohilla war, and had countermanded the operations of Mr. Haſtings. It however was obvious, that when there was an appearance of a lucrative termination of the war, Mr. Haſtings was only to be governed by the immediate impulſe of his own mind, and did contemn, or diſregard the orders and injunctions of his ſuperiors. He afterwards proceeded to take particular notice of Colonel Champion's correſpondence and evidence, and was convinced nothing could be more perſuaſive and incontrovertible than that Mr. Haſtings undertook and proſecuted the war againſt the Rohilla nation from avaricious principles, and the worſt of all motives. The letters which were written by Colonel Champion, when he was Commander in Chief, muſt carry conviction to the mind of every perſon who examined them. He read one paſſage to the following effect:—" Before I (Colonel Champion) return to Europe, I muſt unboſom myſelf to my friends in private, notwithſtanding there may appear certain rational grounds for my ſilence in public. I have ever been

been averſe to the war againſt the Rohillas; and do declare, that I have acted with the greateſt reluctance in my official capacity. The power given to Sujah Dowlah has rendered the Britiſh army ſubordinate to that of the Vizier. My ſituation has been degraded, and I have found it impoſſible to maintain my rank and conſequence. The adherence to the orders of Mr. Haſtings, which made me ſubordinate to the Vizier, forced me to be deaf to the cries of humanity; and I have frequently been obliged to paſs over in ſilence the complaints of my diſtreſſed, tortured, and much injured fellow-creatures." He concluded by affirming, that the grounds for impeachment were clear and indiſputable.

During Mr. Francis' ſpeech, the Attorney General interrupted him by ſaying, that it was unfair to advert to Colonel Champion's evidence, as it might prejudice many againſt Mr. Haſtings. Mr. Francis replied, that is was ſtrictly parliamentary, if he read the extracts as part of his ſpeech. Alluding to Mr. Dundas, he ſaid, he was afraid to proceed ſo particularly in the evidence of Colonel Champion, as it might hurt his feelings. Mr. Burke immediately remarked—"Not at all!"

Mr. *W. Grenville* prefaced his ſpeech with an apology for the neceſſity he felt of taking up more of the time of the Houſe than in their exhauſted

hauſted ſtate they might be inclined to ſpare; indeed, he ſaid, he felt himſelf ſo fatigued, that it was with ſome difficulty that he ſhould be able to ſtate the arguments that weighed upon his mind, and had induced him to determine to give his vote in the way in which he meant to give it. He proceeded to take notice of ſome parts of the ſpeech of an Honourable and learned Friend of his (Mr. Hardinge) in the debate the preceding evening. The Hon. and learned Gentleman had, he obſerved, talked of the impropriety of that Houſe's conſenting to *ſkreen* a delinquent from public juſtice. Was that, he appealed to the candour of the Houſe, a fair mode of reaſoning on the ſubject? Was it to follow, becauſe that Houſe thought, upon good and mature conſideration that Mr. Haſtings ought not to be impeached upon any one, or upon all of the Charges exhibited againſt him, that the Houſe was chargeable with a deſire to *ſkreen* a delinquent from public juſtice. God forbid that they ſhould ever undertake the ſhameful taſk of ſkreening any delinquent from public juſtice, but God forbid, likewiſe, that from the fear of incurring ſuch an imputation, that Houſe ſhould improperly, prematurely, and without due proof conſent to prefer articles of impeachment againſt any man? Having put this very pointedly, Mr. Grenville ſaid, he was ſorry to hear ſuch a ſpeech from his

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Honourable and learned friend, as he had ſpoken the preceding evening, for if ever there was an occaſion, when candid and temperate conſideration was neceſſary, it ſurely was the preſent. An appeal to the paſſions of the Houſe, and ſuch he conceived was by far the greateſt part of his Honourable and learned Friend's ſpeech, was highly unſeaſonable. He had, among other things, complained of a Noble Lord's having aſſumed the juſtice of the war, and debated the policy. Surely the Noble Lord had argued rightly, for the juſtice of the war muſt be aſſumed, in order to debate the policy, or he knew not how it could be reaſoned upon at all. Mr. Grenville here drew the line of diſtinction between public and private morality, and pointed out the difference between the two caſes. He alſo condemned the freedom with which the Honourable and learned Gentleman had alluded to Lord Clive, a man to whom he ſaid the Eaſt India Company and the public ſtood very conſiderably indebted, and whoſe memory every friend to the intereſts of either muſt hold in the higheſt degree of veneration and reſpect. Having glanced at ſeveral parts of Mr. Hardinge's ſpeech, and oppoſed arguments in refutation of them; Mr. Grenville ſaid he had purpoſely gone through thoſe preliminaries, meaning to confine himſelf in the remainder of his ſpeech to the queſtion itſelf, which he was of opinion depended

depended altogether on its being aſcertained whether the war made upon the Rohillas by Sujah Dowlah was a juſt war or not. And before he attempted to ſtate his reaſons for thinking that the war was both juſt and neceſſary, he ſaid he muſt beg leave to complain of the unfair manner in which the Right Honourable Gentleman, the mover of the Charges, had opened the ſubject of the Charge then under conſideration. Above two thirds of his ſpeech had been devoted to aggravations of facts ſtated in the other Charges, and which bore no relation whatever to the Rohilla war. This appeared to him to have been extremely unjuſtifiable, becauſe the obvious intention of the Right Honourable Gentleman had been to inflame the minds of the Houſe, and to prejudice them by general alluſions to matters not properly before them. He meant, therefore, as he had ſaid already, to take no notice of any of theſe extraneous matters, but to confine himſelf ſtrictly to the queſtion; and, in order to examine whether the Rohilla war was juſt or not, it was neceſſary to take a view of the ſituation of the country poſſeſſed by the Rohillas, and of the circumſtances which took place previous to the commencement of the war. Mr. Grenville here entered into a diſcuſſion of the difference between private rights and wrongs, and the injuries done to public bodies, or ſovereign ſtates. The law, he ſaid,

in this country, was defined and aſcertained. When in a caſe of *meum* and *tuum*, an individual felt himſelf wronged, he had his remedy by an action at law, and the damages to be recovered were commenſurate to the ſize of the injury. Not ſo with ſovereign ſtates. With them the remedy depending altogether on the ſucceſs of arms, the Conqueror, at the termination of the war, retained abundantly more in his hands than the mere balance of the wrong done him. This he illuſtrated by an alluſion to the peace of Paris. The war terminated by that peace commenced in conſequence of an invaſion, an encroachment upon our back ſettlements in America. The injury therefore was not extenſive, and yet when we concluded the war, we retained all the province of Canada, and other conqueſts far exceeding any pretenſions of the injury we had ſuffered, previous to our having taken up arms; and this ſort of right of victors holding more than what was commenſurate with the original wrong, the hiſtory of the world, he ſaid, proved to have been the practice in innumerable inſtances. Having laid this down very clearly, he proceeded to a minute detail of the various facts that led to the Rohilla war. He ſtated that we were the Ally of Sujah Dowlah, whoſe intereſt naturally involved the intereſts of the Engliſh. That the Rohillas had ſtipulated by treaty to pay 400,000l. to Sujah Dowlah;

Dowlah; that many applications both from Sujah Dowlah himſelf, and from us, through the medium of Sir Robert Barker, had been made to obtain payment of the debt. That the Rohillas had not only put off the payment on various pretences, but had inſidiouſly entered into a negotiation with the Mahrattas. That their ſituation was ſuch as made it peculiarly deſireable, that they ſhould either remain firmly attached to Sujah Dowlah, or be removed from the country they occupied, which lay between the territories of Sujah Dowlah, and the country poſſeſſed by the Mahrattas. They conſequently formed a part of the barrier of Sujah Dowlah, and while they remained inimical to the Vizier, were deſervedly objects of great jealouſy and diſcontent.—— In order to recover the 400,000l. and at the ſame time to remove ſo dangerous and irkſome a neighbour, Sujah Dowlah commenced hoſtilities againſt the Rohillas, and as Sir Robert Barker had ſigned the treaty, and had been the means of its being entered into, the Rohillas and the Vizier having mutual diſtruſts of each other, we were called upon, being conſidered in the light of a guarrantee to the performance of the conditions ſtipulated in the treaty. Whether we were to be deemed guarrantees in the formal ſenſe of the word, Mr. Grenville ſaid, appeared to him to be matter of little import. The treaty was certainly entered into by

the Rohillas, in conſequence of their confidence in the Engliſh. We were the allies of Sujah Dowlah, and if it was his intereſt that the Rohillas ſhould be removed, it was equally our intereſt, as the ſtrengthening of Sujah Dowlah's barrier againſt the Mahrattas was an object of infinite importance to us. The policy of the war, therefore was clear and undeniable, nor was the juſtice of it more open to objection. The Rohillas had ſtipulated to pay 400,000l. They evaded the payment, and a war was commenced againſt them; but not as the Right Hon. Gentleman had ſtated, without previous application for payment; application had been repeatedly made to them on the part of Sujah Dowlah, and on the part of the Engliſh, by Sir Robert Barker, who had ſtated in his evidence, that he ſtaid in the Rohilla country after the Britiſh Brigade was gone, expreſsly for the purpoſe of expediting the payment of the 400,000l. The war therefore was both juſt and neceſſary. With regard to the conduct of the war, Mr. Haſtings was by no means accountable for it, nor indeed had any of the witneſſes imputed the ſmalleſt ſhare of blame to him reſpecting it.—Having thus contended for the juſtice and the neceſſity of the war; Mr. Genville entered into a long train of reaſoning to prove that there was found policy in prevailing on the Rohilla army, who were unfriendly to Sujah Dowlah, and inſidiouſly

diouſly bent towards the Mahrattas, to remove from a country, their remaining in which, was ſo much an object of jealouſy and alarm. He conſidered the bad conſequences that might follow their continuing in Rohilcund, or their joining the Mahrattas, and dwelt in terms of encomium on the ſucceſsful plan of prevailing on them by treaty to croſs the Ganges, obſerving at the ſame time that their women and children had been previouſly ſent away by them, which proved how very oppoſite the removal of the Rohillas was to the *extermination of a whole people*, as the Right Honourable Gentleman, who drew the Charge, had thought proper to ſtate the fact to have been. Mr. Grenville argued very ably and with peculiar cloſneſs through the whole of his ſpeech, in which he took a comprehenſive view of the ſubject, and treated it in a maſterly manner.

Mr. *Hardinge* roſe to anſwer thoſe parts of his ſpeech to which Mr. Grenville had alluded; and firſt, he ſaid, he never had talked of the Houſe's attempting to *ſkreen* a public delinquent from juſtice, in the way, which his Right Hon. Friend had ſtated. He had not argued as if Mr. Haſtings were indiſputably guilty of the Charges alledged againſt him, but had ſaid, that if the Houſe, with the *probable* criminality of Mr. Haſtings, before them, did not ſend him to the Houſe of Lords, they would riſque the danger of incurring

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the imputation of being deſirous of ſkreening a public delinquent from juſtice. He explained the meaning of his having uſed the word *probable*, by ſaying, that, as that Houſe had, after the nature of a Grand Jury, proceeded to examine evidence *ex parte*, they had nothing but the *probable* criminality of Mr. Haſtings, to guide their judgments by. The evidence they had heard would not, he truſted, induce the Lords to convict, or any man to pronounce Mr. Haſtings guilty. Had he done ſo, he ſhould have been guilty of a high crime and miſdemeanor himſelf; but the evidence adduced was nevertheleſs enough to warrant their proceeding farther. With regard to his having found fault with the Noble Lord's (Lord Mulgrave) declaration, that he would aſſume the juſtice of the war, and debate the policy of it, he was of opinion, that the poſition ought to be inverted; for if the juſtice of any war could not be proved, he would not aſk about its policy. That, he thought, was by far the moſt manly way of arguing the queſtion, and ſo he always ſhould conſider it. As to the mention he had made of Lord Clive, he appealed to the Houſe, whether he had not on both the occaſions, when he took the liberty of adverting to that Noble Lord, ſpoke of him as a great character, and in terms of extreme veneration and profound reſpect? To have done otherwiſe would have been a proof of illiberality

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and want of candour, which he hoped the Committee never would have occaſion to impute to him. But at the ſame time, it was to be recollected, that Lord Clive had been accuſed of accepting a bribe, which was a crime undoubtedly, and againſt that his great and meritorious ſervices had been pleaded as a *ſet-off*. With reſpect to the treaty made with Sujah Dowlah, Mr. Hardinge ſaid he had, and ever ſhould ſpeak of it in terms of indignation. Let the Houſe look at it, and ſee if ever a treaty was couched in ſuch terms before? It began thus: "Whereas it is neceſſary to recover forty lacks of rupees from the Rohillas, therefore,"—What?—"The Rohilla nation ſhall be *exterminated.*" Did ever mortal read ſuch a concluſion? Was there in language phraſes of condemnation ſufficiently ſtrong to mark with proper ſeverity, an argument ſo abominable? or could a precedent for ſuch an abuſe of logic and humanity, be found in the annals of civilized countries?

Mr. *Anſtruther* began with ſtating, that, important as the queſtion was of itſelf to the individual concerned, to the character of the nation, and to our poſſeſſions in India, its importance was infinitely increaſed by what he had heard that and the preceding day; it involved not only the puniſhment of paſt crimes, and the condemnation of principles the operation of which had ceaſed, but the reprobation of meaſures, the principles of which,

which, though condemned by every body of men who had had any opportunity of judging upon them, appeared ſtill to be juſtified, ſupported, and approved of by two of the members of that Board which had been eſtabliſhed for the government of India. In puniſhing what was paſt, the Houſe would effectually prevent meaſures equally diſgraceful to the nation as deſtructive to every principle of juſtice and policy. At preſent there was one and only one ſecurity to the public, againſt the adoption of ſuch principles, and againſt their being again carried into effect in the government of India: viz. That the leading member of the Board differed eſſentially from his colleagues, and diſapproved and condemned the Rohilla war, as much as they approved of and applauded it.

There was another reaſon why he thought the Houſe called upon in a particular manner, to reprobate the principle and condemn the author of the Rohilla war. It was not only approved of and juſtified by two members of the Board of Controul; but thoſe principles which gave riſe to it, had been left to the preſent Government of India, by Mr. Haſtings, as a political legacy to his ſucceſſors; two almoſt of the laſt acts of his government had been to recommend the lending of the Company's troops for money to a foreign power, in order to deſtroy an innocent people,

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and to exhort the Council to increaſe their territories at the expence of their neighbours, and on the pretence of improving their frontier, and ſtrengthening their boundary. He alluded to the propoſal for lending Sir J. Cumming's detachment, to conquer the Seeks, and to the inſtruction to Mr. Briſtow to aim at the acquiſition of two conſiderable diſtricts, in order that we might have the river Dava for a boundary, both founded upon the ſame unjuſt principles which directed and carried on the Rohilla war.

The Right Honourable Gentleman who ſpoke laſt, had ſaid that there was no tribunal to which contending nations could appeal. The propoſition was true, but the inference he (Mr. Anſtruther) drew from it, was, that it became rulers to be doubly cautious, to be anxiouſly ſolicitous, that their conduct was governed by principles of juſtice. But here, as the propoſition was, it did not in the preſent caſe apply, if the argument upon which the war was defended was well founded. If there was a guarrantee, the Engliſh were the tribunal to which the contending parties were to appeal. It was their duty to enquire which party had been wrong, and to ſupport the nation which had been in the right. One of the Charges againſt Mr. Haſtings was, that, though he now defended himſelf under a ſuppoſed guarrantee, he had obſtinately refuſed all enquiry, and had taken

arms againſt the Rohillas, without even the pretence of calling upon them to perform their agreement, and without any inveſtigation whether they had performed it or not. A noble Lord (Lord Mulgrave) had found a ſingular mode of defending this conduct; on the one hand, he contended that the Company were guarrantees; on the other he contended that the orders from home prohibited the Council from being umpires; and he juſtified Mr. Haſtings for beginning a war to the utter extirpation of a people, without the leaſt enquiry into its juſtice; becauſe, if he had made any enquiry, he would have made himſelf an umpire, and thus diſcharged the orders of his maſters. His definition, therefore, of a guarrantee, was blindly to take a ſide without enquiry; to determine, without inveſtigation; and to ſupport one party, without knowing whether they were right, or whether they were wrong.

The orders of the Company had been ſtated by the ſame noble Lord, as if they had applied only to particular caſes, and not as general rules, for the direction of the ſervants abroad. The fact was directly the reverſe. The orders were, and profeſſed to be, "A General Syſtem for the Government of India." The principle of that ſyſtem was equally wiſe and juſt. "To avoid offenſive war; not to engage in the ſchemes of the country princes; to be equally indifferent as to

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the quarrels, defeats, and victories of every Indian power whatſoever;" and particularly, "to leave Sujah Dowlah to execute any ambitious views of his as well as he could."

But if the war was unjuſt in its principle, as he hoped to prove that it was, it mattered little whether it was forbidden or not. It required no orders of the Company to prohibit injuſtice. The law implanted in every man's breaſt, the ſtrong injunctions of poſitive duty, called upon every man to do juſtice, whether it was ſpecially directed or not. It was enough for him, that Mr. Haſtings was conſcious of the obligations which his duty impoſed on him; and this his letter in the year 1772 proved demonſtratively.

Two grounds had been taken to ſupport the juſtice of the Rohilla war; the one founded on the ſuppoſed treachery of the Rohillas, the other on the ſuppoſed guarrantee of the Company—As to the firſt, it was totally void of foundation—They were accuſed of having treated with the Mahrattas; Mr. Haſtings's own account of that tranſaction was a complete juſtification; ſpeaking of them, he ſays, they have treated with the Mahrattas, "to which they were impelled by neceſſity;" and what was ſingular, Hafez Rhamet gives the ſame account of the tranſaction, that he had been forced to treat with them while our army was abſent. What Mr. Haſtings admitted and they

alledged to be the effect of dire neceſſity, was now imputed to them as an act of treachery. But farther, at the commencement of this war, againſt the Rohillas; ſo far from being the allies of the Mahrattas, they were in full march to take poſſeſſion of a part of their country. The Vizier, in his letter ſays, "They are going "to take poſſeſſion of the Doab, a country which "formerly belonged to the Rohillas. This I "will not ſuffer, I will undertake an expedition "againſt them." This was the real cauſe of the war, and proved to demonſtration, that there was no treachery on their part; the non-payment of the money was indeed thrown in as a make weight, while the other was the real as well as the oſtenſible cauſe of the war.

As to the ſuppoſed guarrantee, no propoſition could be ſo clear as that it did not exiſt. On the face of the treaty there was no appearance of it. The perſon who witneſſed it (General Barker) had no power to enter into a guarrantee; he poſitively denied he ever did enter into one or intended to do it. Mr. Middleton, though in his evidence he ſays, that atteſting a treaty is a guarrantee, yet when writing to Mr. Haſtings with relation to another treaty atteſted by Colonel Champion, exactly in the ſame form, as the one in queſtion, ridicules the idea of ſuppoſing an atteſtation to be a guarrantee, and poſitively declares (though

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in his evidence he chooſes to declare the reverſe) that in India a guarrantee is never underſtood unleſs it appears in direct words on the face of the treaty. But what is deciſive of the queſtion, Mr. Haſtings never acted on it as a guarrantee, nor in India did he juſtify himſelf on it as ſuch. The Gentleman who ſpoke laſt, had ſaid the Rohillas were induced by a treaty; the only inducement was violence and force, and that treaty which now was made a defence, was in fact an aggravation of the crime. Colonel Champion writes to Mr. Haſtings that he had it in his power to enter into a treaty with Fyzoola Cawn. Mr. Haſtings replies "make no treaty, the end "will not be anſwered by a treaty; the object "is to exterminate the Rohillas and to give their "country to the Vizier:" had there been the leaſt idea of a guarrantee, had the recovery of 40 lacks been the object, it was Mr. Haſtings's duty to enter into accommodation to accept a treaty; he had it in his power before Colonel Champion entered the country, and during every moment of his continuance; but extirpation and not treaty was the object. There was one fact which, while it diſgraced the Engliſh name, proved to demonſtration that no idea of a guarrantee ever exiſted.

While Colonel Champion was purſuing his conqueſts, he came to a people who had ſucceſsfully

fully reſiſted the arms of the Rohillas, and who lived independent within the diſtrict marked out for conqueſt, under their own Chiefs. The humanity of the Britiſh Commander ſtopped the army till he got orders from Calcutta. Mr. Haſtings returned for anſwer, "till we received "your letter we were ignorant that ſuch people "exiſted, we imagined the whole country to be "in the power of the Rohillas, but as the "ſhorteſt expedient, we direct you to conquer "them too." Where was the idea of guarrantee when principles ſo deſtructive of juſtice and diſgraceful to humanity guided our arms?

Mr. Haſtings's own conduct at the time of the tranſaction proved his ſenſe of it. It was concealed. He indeed ſays he wrote to the Directors as much as was eſſential for them to know. Was it not eſſential for them to know, that a treaty had been entered into, to exterminate a people by their arms? He then ſays the tranſaction was dropped, it was to depend on future occurrences, many delicate points were to be ſettled before it took place. Neither of theſe aſſertions were agreeable to the fact; the treaty was complete, definite and final. It was indeed to have a future operation, but it was not to depend on future occurrences, nor were there any points of any ſort to be ſettled. The ſole and only reaſon given by the Council was for adopting it, that it was final

and

and concluſive. Yet Mr. Haſtings never to his maſters hints at it, but on the terms above mentioned.

Nor was this all; when this ſecret verbal treaty came to be revealed to the Select Committee at Calcutta, by the requiſition of the Vizier for the troops; the bargain is repreſented as advantageous, and is adopted for the ſingle reaſon of what had paſſed at Benares; but when it is laid before the Council at large, it aſſumed a ſhape which was plainly calculated to deceive, and, which in effect, did deceive them completely. That which had to the Select Committee been repreſented as advantageous, was now alledged to be embarraſſing. It was impolitic to enter into the war on the one hand; it was, on the other, impoſſible to avoid it without the appearance of artifice to the Vizier. How to eſcape from the dilemma was the then apparent object of Mr. Haſtings; how to avoid the war was the object of the conſultation of the Board. All agree that it is to be avoided; none can deviſe the expedient, till it is hit off by Mr. Haſtings; he propoſes to add conditions to the bargain, which the Vizier as he ſays, "is too "wiſe to accept," to impoſe conditions which were to have the effect of making him reject the proffered aſſiſtance. The Council rejoice at the idea, the terms are propoſed, and what muſt be every man's aſtoniſhment, when he hears that thoſe hard

hard terms, which were inſtantly to be rejected, were the very terms which had been privately agreed between Mr. Haſtings and the Vizier, to be the only terms on which the aid ſhould be granted by the one, and accepted by the other. After ſuch a conduct of concealment and deceit, could any man doubt what were Mr. Haſtings's ideas of his own tranſactions? His conduct was that of a man, conſcious that his acts would not bear the light, and convinced of the impropriety and injuſtice of his own proceedings.

Much had been ſaid of the cruelty with which the war had been carried on. If the war was unjuſt and unprincipled, it was a poor defence that it had been conducted only with the uſual horrors of Indian war. It was matter of aggravation if it was cruelly conducted, and matter of mitigation if otherwiſe; he ſhould therefore leave that topic to that place, where it could be properly urged, he meant to that tribunal which was to inflict the puniſhment. He would only obſerve that Colonel Champion had poſitively aſſerted he could have prevented all the cruelty complained, had Mr. Haſtings given him the authority which he obſtinately denied him.

Mr. *Young* thought the Motion not ſufficiently intelligible, and therefore moved, by way of amendment, to leave out certain of the words of the

the Motion, and in their ſtead, to inſert the words, "*and to be impeached thereupon.*"

Mr. *St. John* ſaid, as the Houſe had already voted that the preſent words (which had been moved by way of amendment the preceding day) ſtand part of the queſtion, none of them could, agreeable to the Order of the Houſe, be left out.

The *Chancellor of the Exchequer* aſſured the Hon. Gentleman that his Motion was unneceſſary, as the word *charge* in the original amounted exactly to the ſame meaning as the word *impeachment.*

Mr. *Fox* agreed in this opinion.

Mr. *Young* explained more fully what he meant by his Amendment, declaring he was a profeſſed enemy to the trial of the Earl of Strafford, where the impeachment was made from a congregation of a variety of minor Charges. In this caſe he wiſhed not to agree to collect a number of *peccadilloes* to furniſh out one *peccatum.* If each article ſeparately was ſufficiently criminal to deſerve impeachment, he would agree to vote that it contained *matter of charge fit for impeachment,* but not otherwiſe.

Mr. *Fox* replied; and declared that as a *Judge,* he deteſted and abhorred the conjoining many *peccadilloes* to make one *peccatum*; but the caſe

was widely different when he was acting as an accuſer.

Mr. *John Scott* (of Weobly) perſiſted in his opinion of the preceding day, that it would be the higheſt injuſtice to vote general reſolutions, like that before the Committee, inſtead of ſpecific charges. He aſſigned as a reaſon, that it might happen, if they perſiſted in the preſent mode of proceeding, that they might vote twenty two general Reſolutions, whereas if they were to divide each of thoſe general Reſolutions into their ſpecific charges, no one of them might be voted by the majority of the Houſe. Mr. Scott replied rather pointedly to a remark of Mr. Fox the preceding day, who had ſaid, that he would always watch that profeſſion in their arguments.

Mr. *Fox* declared, none but a fool or a madman would deſpiſe or hold the learned profeſſion in contempt. He had a very high reſpect for it, as well as for the Hon. and learned Gentleman in particular, whoſe great abilities and high character entitled him to the reſpect of every man. He did aſſure the Houſe and the learned Gentleman, that he meant nothing more, by ſaying, ‘ he ‘ would watch the arguments of gentlemen of ‘ that profeſſion,’ than that the gentlemen of the law, from being in the habits of a peculiar ſtyle of reaſoning, were apt to infuſe that ſtyle into their

their arguments in that Houſe, inſtead of adhering cloſely to parliamentary forms, with which Members of Parliament having little elſe of buſineſs to attend to, were frequently much more converſant and correct. Mr. Fox ſaid, he ſhould have had no objection, had the propoſed amendment ſtood part of the queſtion originally, as it was clear the Chancellor of the Exchequer and he, thought exactly in the ſame way reſpecting it, but he did not like to add it to the queſtion, as the word *and* ſeemed to imply ſomething more than they both meant.

The *Chancellor of the Exchequer* roſe again to explain what he really meant, and before he ſat down, he ſaid, he did wiſh the words *and to be impeached thereupon* might be added, in order to remove all doubts as to what the Motion meant.

This occaſioned a deſultory converſation of near three hours continuance, in which there was a great deal of warmth on all ſides, and ſome aſperities paſſed between Mr. Fox and M. Pitt. The other Speakers were Mr. Young, Mr. J. Scott, Mr. Wilberforce, the Attorney General, Mr. Powys, Mr. Sheridan, Mr. Windham, Mr. Norton, Mr. Burke, Mr. Groſvenor, Mr. Jenkinſon, Mr. Bouverie, Mr. Rigby, Mr. *Cornwall*, and ſome others.

Mr. *Jenkinſon* happened to drop the word *Influence* in his ſpeech, on which Mr. *Sheridan* and

Mr. *Fox* raiſed a good deal of ſevere ridicule, particularly the latter.

Mr. *Jenkinſon* treated what they had ſaid reſpecting the word "influence," as he ſaid, he ever had treated all the vulgar wit without doors upon the ſame ſubject, with perfect indifference and contempt. He defied any man to prove that he had ever exerted any undue or improper influence whatſoever within thoſe walls or elſewhere.

The *Chancellor of the Exchequer* at length moved to withdraw the propoſed amendment, and to add the words "by Impeachment" to the Motion.

This occaſioned a freſh converſation, in the courſe of which Mr. *Fox* complained of the Chancellor's having dealt unfairly by them, as he ſaid he underſtood that the Right Honourable Gentleman had a few days ſince entered into a compromiſe with him and his friends as to the mode of proceeding in the Committee.

This the *Chancellor of the Exchequer* replied to, denying, that his adhering to the amendment he had propoſed, afforded any ground for a charge of inconſiſtency, or departure from the implied agreement alluded to.

At length the queſtion was put and carried for the amendment, Mr. *Fox* and his friends not chuſing

chuſing to divide on what they termed a ſide-queſtion.

Mr. *Bouverie* then moved, to add to the motion, by way of farther amendment, theſe words, "If any impeachment ſhall finally be preferred "againſt the ſaid Warren Haſtings."

Mr. *Sheridan* ſupported this motion, and earneſtly recommended it to the Committee to adopt it.

Mr. *Norton* confeſſed he had not been able to make up his mind, or form a judgment ſtill to his ſatisfaction on the ſubject under deliberation, but that he found himſelf rather relieved by an idea that had been ſuggeſted to him from ſomething that had fallen from the Right Hon. the Chancellor of the Exchequer,—that the queſtion, as it now ſtood, was of that complicated nature, which any member had a right to divide, and have put ſeparately,—which he deſired might be done; for though he was ready to ſay there was criminal or impeachable matter in the tranſaction of the Rohilla war, he might not be prepared to declare, that, under all the circumſtances of that war, and others which had occurred ſince in favour of Mr. Haſtings, that it was at this time fitting or right to come to a reſolution to impeach him; and, above all things, in caſe he ſhould be now acquitted of this ſeparate charge, he deprecated the idea of introducing it hereafter

as any part of a more complicated accuſation againſt him,—which would be very like trying a perſon twice for the ſame offence, contrary to every principle of law and juſtice.

The Committee divided on Mr. Bouverie's amendment,

Ayes 65
Noes 140

The Debate on the main queſtion then proceeded.

Mr. *Burton* made a very elaborate defence of the conduct of Mr. Haſtings upon the ſubject of the Rohilla war. Tracing every ſtep of the buſineſs and juſtifying it with ſtrong argument. With reſpect to the charges of cruelty, Mr. Burton ſaid, he was well aſſured that no ſuch imputation could attach to Mr. Haſtings, whoſe characteriſtic was humanity almoſt to a womaniſh weakneſs.

Mr. *Wilberforce* began with obſerving, that had the motion continued in the ſhape in which it had been originally brought forward, he could have contented himſelf with giving a ſilent vote, and ſhould have felt no difficulty in coming to a deciſion: Many parts of the charge as it then ſtood appeared to him to be in no degree ſupported, and others contradicted by the evidence which had been adduced; but as the queſtion then ſtood, he con-

confeſſed he was under no common embarraſſment; his feelings were of a nature ſo diſtreſſing, that he could not keep them to himſelf, and he would endeavour as ſhortly as poſſible to explain them to the Houſe, and to ſtate the motives which would determine his vote, though he feared the exhauſted condition both of his mind and body, after ſo tedious an attendance, would prevent his doing it either to their ſatisfaction or his own.—Mr. Wilberforce then proceeded to examine the grounds on which the Rohilla war had been attempted to be juſtified, declaring that none of them appeared to him to be in any degree ſatisfactory. He never could admit that the Eaſt India Company could be conſidered in the light of a guarrantee to the treaty between the Vizier and the Rohillas; a bare ſignature was in no other inſtance deemed ſufficient, except the party ſigning had received an expreſs commiſſion to ſign, and commonly to put his ſeal; and Sir Robert Barker himſelf had, at the very time of ſigning, written a letter to the Council, exculpating himſelf from the imputation which had been thrown on him, of intending to involve and compromiſe the Company in the engagements between the Vizier and the Rohillas, and expreſsly aſſerting, that nothing was farther from his thoughts; but if they had been guarrantees, and the treaty had been broken, what was that treaty, the execution of which they

were

were to guarrantee and ſecure? that the Rohillas ſhould pay the Vizier 40 lacks—But could they obtain for the Vizier his 40 lacks no otherwiſe than by expelling the whole people from their country; Would it be admitted for a moment, that the terror of the Engliſh arms, when united with thoſe of the Vizier, would not have terrified the Rohillas into a compliance with the demand? An Hon. Friend of his, Mr. Wilberforce ſaid, had reſted the defence of the war wholly on its juſtice, and that juſtice on its neceſſity. It was on this ground he could not but condemn it in the ſtrongeſt terms. The argument had been attempted to be eked out by aſſerting, that the Rohillas were in treaty with the Marattas; but no proof whatever had been brought of this aſſertion; certain it was, that no cordial affection ſubſiſted between them and the Vizier, and no wonder, for he had always declared his hoſtile intentions toward them, and had ſaid to Sir Robert Barker, at the very time he was making the treaty with them, that he knew his feelings with reſpect to them, and declared he meant to ſubdue them at ſome time or other.—— What then had been our conduct? knowing the ſentiments of this man, we had united with him, and had afterwards aſſiſted him to bring the Rohillas into ſubjection.

It had been ſaid that we had been merciful to them in ſaving them from the Marattas: But how did

did this argument hang together, when in the ſame breath we were told that they were on terms ſo friendly with the Marattas, and ſo likely to unite with them, that the probability of this event was one of the principal reaſons for their expulſion? The fact was, Mr. Wilberforce declared, that there was all along, from the very firſt, a deſign to exterminate this people, which appeared moſt abundantly in all the papers of that period, which he had examined with great care and pains: and ſorry he was to ſay that on the ground on which he condemned the meaſure, the whole Council ſeemed to have been guilty alike, no one having argued the queſtion on the footing of its injuſtice, but only on principles of policy, by which he thought it was to be defended completely; but ſurely no political expediency, however it was made too often the rule of conduct amongſt civilized nations, could acquit us of that great obligation of morality *to do to others, as we would they ſhould do to us*, or juſtify an act ſo marked as the preſent with violence and oppoſition. It had been alledged that theſe Rohillas were not the original inhabitants of the country; to which it had been well replied, neither were the Engliſh. What were they but the Rohillas of Bengal? In fact, would not the admiſſion of this principle juſtify our driving out every governing power in India, for the Government was no where in the

hands of the Hindoos, the old poſſeſſors of the ſoil. Mr. Wilberforce was of opinion, that Mr. Haſtings's diſcretion was not meant to be wholly taken away by the Company's orders, yet this action being ſo oppoſite to the general ſpirit of them, was certainly an aggravation of its guilt; but what he thought a much greater was, the character of the man, into whoſe hands we had conſigned the Rohillas. The charge of cruelty, as it had been urged againſt Mr. Haſtings, had never been in any degree brought home to him. It had been moſt ingeniouſly repreſented as if with a nod he could have put a ſtop to thoſe barbarities, ſuppoſing that they exiſted, and did not; but though this was ſo, yet Mr. Haſtings muſt certainly be conſidered as being in ſome meaſure anſwerable for them, becauſe he ought to have reflected beforehand, what it was to put the ſword into the hands of a violent and vindictive tyrant, and to have foreſeen the conſequences which might be expected to follow. After all that he had ſaid, however, Mr. Wilberforce declared that he felt the the utmoſt difficulty in coming to the determination of the queſtion, and this was on a ground which had been given up by all ſides; he meant the length of time which had elapſed, and the circumſtance which had intervened ſince this tranſaction had paſſed. No one had more forcibly proteſted againſt any thing like what had been termed

ed a *ſet off*, than a learned friend of his near him; but if his learned friend would reconſider his argument, he was ſure he would ſee its fallacy. If his learned friend and he were abſtractedly examining into the good and bad of any hiſtorical character, he might be inclined to admit the doctrine; but it was not in this balance that the demerits of Mr. Haſtings were now to be weighed; againſt an action acknowledged to be bad were to be ſet years of painful ſervice—What was it but to ſay to Mr. Haſtings, "You have committed an action extremely criminal, and deſerving of puniſhment; but we will not puniſh you at preſent; you are uſeful to us in your preſent ſituation, and we will therefore again and again re-appoint you to it; but when for a period of thirteen years, you ſhall have ſtrained your faculties, you ſhall have racked your abilities, you ſhall have impaired your conſtitution, you ſhall have hazarded your life in our ſervice, engaged in tranſactions of the moſt difficult and critical nature, which muſt ſupply matter for the miſrepreſentations of your enemies, and enable them to obtain that ſentence againſt you by prejudice which they would in vain attempt by argument; after all this, when you ſhall chuſe yourſelf to return to a life of quiet in your native country; then we will criminate you for your firſt offence; for then we ſhall not be ſufferers from your puniſhment." This was like the treat-

ment we gave to ſome of the brute creatures, whoſe faithful ſervices we at length rewarded by the knife of the butcher: No man, Mr. Wilberforce ſaid, felt all this more ſtrongly than he did, but yet, when an action like the preſent was brought before him, he could not but condemn it. He ſincerely lamented the neceſſity, but there was no alternative, and he ſhould certainly, therefore, give his vote for the Motion of the Right Hon. Gentleman.

Mr. *Fox* entered largely into the ſeveral heads of argument uſed by the Gentlemen on the oppoſite ſide, obſerving that he was the more convinced from the nature of the topics brought in ſupport of the contrary opinions. A Right Hon. Gentleman (Mr. Grenville) had attempted to argue in favour of Mr. Haſtings, from his general character; he had ſtated him as mild, humane, and gentle in his manners to an extreme; and, therefore, not likely to be guilty of that ferocity and ſavageneſs of diſpoſition that could alone juſtify the conſtruction which the Houſe was called upon, by the Motion of his Right Honourable Friend, to put upon his conduct. There was, he ſaid, very little reliance to be placed on a man's private deportment and breeding, as a criterion of his real diſpoſition. It too often happened that a refined exterior, obliging manners, and a gentle, placid habit of intercourſe with his

equals,

equals, covered the moſt unrelenting, ambitious and violent temper. The forms and habits of private life, and equality of condition, were calculated to ſtifle and conceal the deeds of perfidiouſneſs of cruelty and of pride, which arbitrary power, the trueſt teſt to which the heart of man could be put, would at once bring forth, nouriſh, and ripen. But the Right Honourable Gentleman had not only argued from the character of Mr. Haſtings—he ſeemed to be an univerſal obſerver of characters in general, and had repreſented the character of the Rohillas to be ſo baſe as to juſtify any cruelty that might have been inflicted on them. He cautioned the Houſe how they lent their ears to ſuch arguments as thoſe, they were ſuch as the perſecutors of old uſed to vindicate their enormities. The Right Honourable Gentleman had not only deſcribed the Rohillas as abandoned and treacherous in their practice, but in their tenets and their principles; this was ſurely the very language of perſecution. It would be bad, indeed, if we were to ſuffer ourſelves to be influenced by our opinions of the general character of ſuch nations as we were connected with. The preſent inſtance proved the danger of it ſufficiently, and if we were entitled and had the power to uſe every nation that differed from us in religion, in general tenets of morality, or in habit and practice, as we had done the Rohillas, we

ſhould

ſhould ſoon leave the world a deſart. But if the doctrine of exterminating every perfidious, cruel, and unprincipled nation were to be eſtabliſhed, what would become of Great Britain, when it ſhould be known in the world that the contriver and perpetrator of the Rohilla war, inſtead of meeting with diſgrace and puniſhment on his return, was fortunate enough to be received with applauſe and congratulation by his employers, and was not deſtitute of defenders and ſupporters even in Parliament.—He paid many compliments to Mr. Hardinge for the ingenuity of his reaſoning, and the ſoundneſs of his doctrine on the ſubject of political morality, inſiſting that good faith, and purity of conduct, were as neceſſary in a ſtateſman as in a private perſon; and he challenged any man to prove that any ſtate had even dared to avow as juſtifiable and proper thoſe pernicious maxims of policy which, though they diſgraced the hiſtory of ſome nations, were yet diſclaimed and reprobated by all. It was not the verbal arguments of men deſirous of accommodating principles to a particular caſe that were to be attended to; it was the general uniform voice of mankind alone that ought to be held as authority. That general voice was loud in its reprobation of thoſe dangerous maxims of lax and corrupt morality, which the Right Honourable Gentleman had laid down as arguments in defence

of

of Mr. Haſtings's conduct. He was ſorry to hear ſuch doctrines from the Right Honourable Gentleman, which were indeed highly inauſpicious to this country, ſhould the Right Honourable Gentleman, as his rank and abilities highly intitled him to, ever become the Miniſter of it.

He made a direct and pointed appeal to Mr. Dundas, deſiring him to come forward and avow the reaſons why he had changed his opinion on the Rohilla war, if it were true he had changed it; or if he continued ſtill to conſider it in the light he formerly did, to explain his motives for reſiſting the vote that was now propoſed to be paſſed upon it. Such contradictions and ſuch inconſiſtencies could not be ſuffered to eſcaped in ſilence, and reſpect for the Houſe, and his own reputation, called upon the Right Honourable Gentleman to clear them up. Did he intend to ſay that the former cenſure, propoſed by him in perſon, was, in itſelf, a ſufficient puniſhment for the enormity of the tranſaction; or did he mean to adopt the doctrine of a *ſet off*, which had been ſo much relied upon, but which a learned Gentleman had ſo very ably and ſo juſtly endeavoured to explode. An Honourable Gentleman (Mr. Wilberforce) had made an attack on his noble friend in his abſence, and had made obſervations on the very circumſtance of his being abſent, as if it was ſo by deſign; the Honourable Gentleman

man might have taken the opportunity of the noble Lord's preſence to have made his ſtrictures, for the noble Lord had been preſent that day and the preceding, and on each of thoſe days had been ready to give his vote, had the debate come to a concluſion. It was peculiarly hard upon his noble friend to be the ſubject of cenſure in his abſence, becauſe he was, on all occaſions, ready to meet it boldly and fairly, and was never backward in giving an anſwer when called upon. The Houſe ought, he ſaid, to be peculiarly cautious as to their preſent vote, for as his learned friend (Mr. Anſtruther) had obſerved, it would remain as a ſtanding document for future Governors of the ſenſe of Parliament on the ſubject of Eaſt India politics, and they would, on all occaſions, adopt the principle of it. If the Houſe declared the conduct of Mr. Haſtings in the proſecution of the Rohilla war to be wrong, they would ſee the neceſſity of avoiding a ſimilar conduct; if the Houſe declined to make ſuch a declaration, they would think themſelves at liberty to imitate it. But it ſeemed it was not upon the ſyſtem lately adopted for the government of India, that dependence was to be placed for its upright adminiſtration. It was on the confidence repoſed in the perſonal character of the noble Earl who had lately been appointed to the command in Bengal. He deſired to know if that ſhould happen,

pen, which he was certain was highly improbable, though by no means impoſſible, that the noble Earl ſhould diſappoint the golden promiſe, and follow a line of conduct oppoſite to that which was expected from him, what was to be done? Were they to puniſh that in Lord Cornwallis, which in Mr. Haſtings they ſuffered to paſs unpuniſhed? Certainly no.—Great ſtrictneſs and attention was the more neceſſary on the part of parliament, inſomuch as the general ſyſtem was crude and impotent. A noble Earl (Lord Mornington) had thought proper to throw out ſome very harſh expreſſions on the Bill he had had the honour to introduce for the government of India For his own part, he ſaw every day more and more clearly the neceſſity there was for that Bill; and ſo well was he convinced of it, that he declared he ſhould not have wiſhed to continue in his office, as Miniſter, after it had been rejected.—He had never been at eaſe until he brought it in, and he had conſtantly regretted the delay which had attended its introduction. He entered at large into the queſtion of the Rohilla war, which he pointed out as marked with the utmoſt barbarity, treachery, and depravity, as well in its principle as in its conduct.—As to the guarrantee that had been alledged, he laughed at the idea, and ſaid that we might as well call upon Mr. Oſwald and Mr. Franklin, who atteſted the treaty of

Paris, to guarrantee the execution of that treaty, as Sujah Dowlah claim the guarrantee of the Eaſt India Company from the atteſtation of Sir Robert Barker. The young ſtateſman (Mr. Grenville) was, he ſaid, miſtaken, when he declared that treaties were never atteſted; that which he had juſt mentioned was an inſtance of the contrary. After dwelling for a long time, and with great force and ability, on the general ſubject of the Rohilla war, he came particularly to the event of that war, the extermination of the people.—It had been, he ſaid, pretended that the whole of the people were not exterminated, but only thoſe who were in poſſeſſion of the lands, the government, and the revenue; and that even they were only ſent beyond the Ganges. To bring this matter nearer to the conceptions and imaginations of Gentlemen, he put a caſe of a foreign ſtate, making an invaſion in Ireland, and conquering the country. What conſtruction would be put on the conduct of the conquerors, if they ſhould pretend to look back into the hiſtory of Ireland, and reſolve to baniſh from the country all thoſe whoſe anceſtors had come from England? They might affect to think, that thoſe who had gone over under the firſt adventurers, were but uſurpers, and ſtill more eaſily might they juſtify their oppreſſion of thoſe who had followed the arms of Cromwell, whom, no doubt, they would for

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their own purpoſes ſtigmatize as the moſt odious and unprincipled tyrant that ever exiſted. At all events, in either inſtance, whether extirpating the leading people could be juſtified or not, it could only be ſo on the principle of reſtoring their poſſeſſions to the original proprietors. This was not the caſe in the inſtance before the Houſe, for the lands were beſtowed upon the Nabob, and not left to the people who remained in the country. Beſides, the pretence of Mr. Haſtings for beginning the war, was evidently falſe. He alledged that his object was the recovery of 400,000l. for the Vizier—Did he recover that money for the Vizier? No. But with a fraud equal to the injuſtice of the war itſelf—inſtead of ſuffering the ally, for whom he had taken up arms, to enjoy it, he had laid his hands upon it himſelf, and converted it to the uſe of his employers. The tranſactions in this country ſince the Rohilla war, could by no means ſtand as an argument to check the enquiry into that proceeding. The re-appointment of Mr. Haſtings, for inſtance, had taken place at a time when the circumſtances of that war were not properly known or underſtood in that Houſe—for an Honourable Gentleman (Mr. Wilberforce) had made a ſimilie between the Rohilla war, and the American war; yet, he muſt take upon him to ſay, that the ſimilie would not hold, for there was no compariſon between

the notoriety of the two; ſo far from it, that he could venture to ſay, ſince the Honourable Gentleman had a ſeat in that Houſe, (at the general election before laſt) the ſubject of the Rohilla war had never been diſcuſſed in Parliament, except when brought forward from the Secret Committee, by the Right Honourable and learned Gentleman.—As to the boaſted Mahratta peace, he muſt ſay, it was by no means, in his idea, entitled to the panygeric that had been beſtowed upon it.—The Mahratta war itſelf, was wantonly and treacherouſly begun on the part of Mr. Haſtings, by the breach of the treaty of Poorunda; and no termination of ſuch a war could atone for the baſeneſs of it's commencement, much leſs while the Company's affairs were left in a worſe ſituation after the concluſion of the peace, than they were previous to the beginning of the war. Therefore, even were the miſerable doctrine of a *ſet-off* to be eſtabliſhed—that ſervice could not be admitted as ſuch; for it was but an imperfect remedy for a very great and enormous offence. The thanks of the Eaſt-India Company for that peace were by no means to ſtand in the way of Parliament, whoſe duty it was to judge for themſelves. In their enquiry, they were to proceed upon their own knowledge of the circumſtances of the caſe, nor to be precluded from doing ſo, by either their own re-appointment of Mr. Haſtings

tings previous to their being fully informed on the ſubject of the Rohilla war, nor by the approbation of the two Courts of the Eaſt India Company, that of the Directors and Proprietors, (nor of, it was to be obſerved, that war, but) of a tranſaction intirely different. If the Houſe refuſed to comply with the preſent Motion, they would contradict the Reſolution of 1782, moved by the Chairman of the Secret Committee, in which caſe, the only way for the Houſe to avoid the moſt ſhameful and diſgraceful ſtigma of recorded inconſiſtency, would be by eraſing from the Journals that Reſolution. Mr. Fox concluded one of the moſt brilliant ſpeeches ever delivered in Parliament, with a moſt eloquent appeal to the honour and humanity of the Houſe, which he ſaid were both deeply committed in their conduct on the preſent occaſion.

Mr. *Dundas* began his reply with admitting that Mr. Fox's animadverſions upon him were warranted by the circumſtances in which he ſtood, and the tranſactions that had paſſed. He had moved the Reſolution of 1782, and he ſtill retained the ſentiments he then expreſſed concerning the Rohilla war, but he had not at that time entertained any idea of ſubjecting Mr. Haſtings to a criminal proceeding. He had moved for his recall avowedly on grounds of expediency, becauſe Mr. Haſtings appeared to have loſt the confidence of the native

native Princes of India, and becauſe there was thence reaſon to imagine, that Mr. Haſtings could not continue to hold the Government of India with any advantage to the Company, or any credit to Great Britain. He conſidered it, he ſaid, as ſingularly unfortunate for him to have his conduct in 1782, mentioned in an invidious manner, by the Hon. and learned Gentleman who lately ſpoke, when he could not but recollect that the Hon. and learned Gentleman was the perſon, who, though a Member of that Houſe, in 1782, had gone to the general Court of Eaſt India Proprietors, had put himſelf at their head, and had perſuaded them to refuſe to comply with the Reſolution for the recall of Mr. Haſtings. Many Gentlemen might recollect the extraordinary zeal with which the recall of Mr. Haſtings had been oppoſed in the Court of Proprietors, and that not only on the grounds of reſiſting the interference of Parliament, but by arguments drawn from the great ability, juſtice, and ſalutary effects of his adminiſtration. Among thoſe who ſtood forth on that occaſion, Mr. Anſtruther, whoſe name he would take the liberty of mentioning, as being at that time a Member of the Court of Proprietors, was peculiarly ſtrenuous; and, together with Mr. Dallas, and others, publiſhed his ſpeech for the information of the public. Thoſe ſpeeches were ſtill extant; but the Hon. and learned Gentleman,

man, it appeared, had not refreſhed his memory by a recent peruſal of that which he had himſelf delivered; if he had, he would there have learned that Mr. Haſtings' diſobedience to the vote of that Houſe had been no crime, and that inſtead of being guilty of the oppreſſion and tyranny, he now imputed to him, his government had been mild, juſt and upright. Mr. Dundas ſaid, at that time, many ſevere reflections were caſt upon his conduct at the General Court, and his name was grinded daily by ſome one or other of the proprietors. Happy he was that the ſame could not be the caſe now. The Hon. and learned Gentleman would not ſurely complain of the Rohilla war there, and commend it in another place. Having urged this with ſome emphaſis, and held up Mr. Anſtruther's conduct in 1782, as an Eaſt India Proprietor, as directly the reverſe of the language he had held that day, as a Member of Parliament, Mr. Dundas took notice of the difference of opinion that had been alluded to as ſuppoſed to exiſt among the Members of the Board of Controul, on certain Eaſt India topics. Reſpecting the Rohilla War, the opinion of his Right Hon. and noble friends [Mr. Grenville and Lord Mulgrave] he ſaid, he was free to acknowledge, differed from the opinion he entertained upon that ſubject; nor was that the only difference of opinion among them; but this he could aſſure

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the Hon. and learned Gentlemen, that their ſentiments had been uniformly ſimilar reſpecting the buſineſs that came before them as matters to be decided on for the future, and it was merely about paſt tranſactions, that they did not think alike. He could give the Hon. Gentleman, therefore, but little hopes of deriving any great comfort from the wiſh he might feel, that they did not cordially co operate. He next adverted to what had fallen from another Hon. and learned Gentleman [Mr. Hardinge] reſpecting his notions of public and private morality; and ſaid, though he could not but applaud the Hon. and learned Gentleman's ſentiments on that ſubject, he feared they were merely theoretical, and that the experience of ages proved that they were not eaſily reduceable to practice. State Policy was the grand rule, he obſerved, by which the Sovereigns of powerful nations generally governed their public conduct; and upon a reference to almoſt every war that had been commenced between one rival kingdom and another, it would be found that ſtrict morality was little adverted to, and that from neceſſity. The war before the laſt between Great Britain and France had been begun by our ſeizing ſome French ſhips, an action which, if nicely ſcrutinized, would, he feared, not be held remarkable for its morality. The policy, therefore, of any great meaſure was the grand

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conſideration to be adverted to, and unleſs the meaſure was found to be notoriouſly and flagrantly unjuſt, the expediency of it was generally deemed a ſufficient juſt fication. Having argued this very ably, Mr. Dundas went more immediately into a diſcuſſion of the queſtion. He obſerved, that he ſtood in a very ſingular predicament with reſpect to all tranſactions in India. Having taken a public part in that Houſe ſome years ſince, as Preſident of the Secret Committee, which, upon the ſpur of a diſaſter, had been appointed originally to enquire into the affairs of the Carnatic, but which afterwards found it neceſſary to extend its inveſtigation, and applied to the Houſe for its proper powers, his opinions were known, and ſome of them recorded on the Journals. His ſituation, therefore, at the Board of Controul was ſomewhat aukward. If ever he ſhould ſanction a meaſure repugnant to the principles he had formerly laid down in that Houſe, the Houſe would be able to judge how far his conduct was juſtifiable, by any new circumſtances that might have ariſen; and if they could not be ſo juſtified, would have a right to charge him with inconſiſtency. He was prepared, however, for the preſent to meet a very ſtrict and rigid inquiſitor in the perſon of the Right Hon. Gentleman, who no doubt would compare and put together every part of his conduct, in ſuch a man-

ner as to render it as cenſurable as poſſible; but he comforted himſelf by reflecting that the time might come when even that Right Hon. Gentleman's acrimony would be meliorated, and thoſe principles that he now ſo violently reprobated, become objects of his compaſſion, nay even of his panegyric. For, however irritable the Right Honourable Gentleman was in his political character, it was well known that he was as eaſily pacified and reconciled. Mr. Dundas put this very pointedly, though accompanied with conſiderable pleaſantry; and then went into a ſeries of reaſoning on the particular queſtion before the Houſe. He ſtated that the Rohilla war was an unjuſtifiable meaſure, but it was not more ſo now than it had been nine years ago. Since the period that it occured, an Act of Parliament had been paſſed re-appointing Mr. Haſtings Governor General of Bengal. That Statute, therefore, might be conſidered as a Parliamentary pardon, and unleſs ſome freſh circumſtances of an aggravating nature had recently come to light, he ſaw no reaſon for calling Mr. Haſtings to account for a tranſaction which the Houſe had ſo many years ago, tacitly, and by implication, conſented to paſs over. He dwelt on the eſſential ſervices Mr. Haſtings had rendered his country in the later periods of the war, and ſpoke of him as the Saviour of India. He reminded the Houſe,

Houſe, that a great variety of treaties with the native Princes of India, had been negociated by Mr. Haſtings, and concluded under his auſpices. He appealed, therefore, to the good ſenſe of the Houſe, whether the impeachment of Mr. Haſtings might not at this time be attended with conſequences in India much more ſerious and alarming than any advantage that could be expected to reſult from making him an example of Parliamentary vengeance, could compenſate. He dwelt on this for ſome time, and added a great variety of arguments to prove, that as in 1782, neither he, nor any of the Members of the Secret Committee, had an idea of ſubjecting Mr. Haſtings to a criminal proceeding, there could be no reaſon for his adopting new opinions in compliment to the Right Hon. Gentleman who moved the Charge. In this part of the ſpeech he appealed frequently to Colonel North, who ſat oppoſite to him, and ſeemed to feel the confidence natural to a man conſcious of ſpeaking undeniable truths. Mr. Dundas was upon his legs near an hour.

Mr. *Fox* in his reply expreſſed much indignation at the manner in which Mr. Dundas appeared to him to have evaded the queſtion, and charged him with having dealt moſt uncandidly with his Right Hon. Friend, whom he had limitted to the narrow period of a ſingle year

(1781), as the time in which alone Mr. Haſtings's conduct was liable to parliamentary inveſtigation, and parliamentary cenſure. He compared the conduct of Mr. Dundas, reſpecting Mr. Haſtings, with the conduct of Mr. Burke on the ſame ſubject. The one, he ſaid, [Mr. Dundas] had come down to that Houſe in the abſence of Mr. Haſtings, and moved a ſlanderous and calumniatory Reſolution, branding the Governor-General, in the moſt grave and weighty terms, with having been guilty of iniquity, and when the only opportunity offered for Mr. Haſtings to defend himſelf, he flew off from the charge, and refuſed to ſtand forth the accuſer of the perſon he had ſtigmatized, and thereby afford him an opportunity of entering on his defence.——How different had been the conduct of the other: His Right Hon. Friend had acted with his uſual manlineſs and ſpirit; he had come forwards firmly and fairly with his accuſation, and had put it upon Mr. Haſtings to refute the charge and manifeſt his innocence. Mr. Fox purſued this theme for a conſiderable time, and was extremely perſonal in the arguments he uſed in refutation of what had fallen from Mr. Dundas.

Mr. *Anſtruther* began by remarking, that he was ſurpriſed to find himſelf charged with having ſtated any thing invidiouſly to the Right Hon.

Hon. Gentleman in alluding to the Reſolutions on the Journal; nothing was farther from his idea; he thought, when he firſt ſpoke what he now found to be true, viz. that the Right Hon. Gentleman would adhere to the principles contained in the Reſolution. He was ſurprized indeed, that there ſhould be found two other Members of the India Board who held principles directly the reverſe; and of that he had expreſſed his aſtoniſhment. He ſhould leave it to the Houſe to determine how far the principles of the Reſolution had been followed up, and he ſhould alſo leave it to them to compare the Right Hon. and learned Gentleman's paſt with his preſent conduct; his former ſpeeches with the one they had juſt heard. But he was much aſtoniſhed to hear the Governor General's re-appointment by the Acts of Parliament, mentioned and inſiſted on as a parliamentary pardon. If this was true, theſe Acts were juſt as complete pardons in the year 1782, as in the year 1786. Yet at that period, the Right Hon. Gentleman had not heſitated to cenſure, to accuſe, and to criminate Mr. Haſtings. Was he accuſing a perſon who was pardoned, and criminating one whoſe offences were done away? If the defence now inſiſted on had any foundation, the Reſolutions were nothing more than ſo many libels on Mr. Haſtings.

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With regard to himſelf, it was true, as an Eaſt India Proprietor, he had oppoſed the recall of Mr. Haſtings; and, in the ſame circumſtances, he would again act in the ſame way. In that inſtance, the Houſe had aſſumed a power to which, as he conceived, it had no right—the Houſe had a right to preſcribe the principles, on which Public Bodies were to conduct their affairs, but had no right to direct or command this or that particular act. If the Houſe had a right to order the recall of Mr. Haſtings, they had the ſame right to order the appointment of his ſucceſſor. He could not draw the line between ſuch an exerciſe of power, and the aſſuming at once into the hands of the Houſe of Commons, the appointment of every ſervant of the Eaſt India Company. He obſerved, that the principal ground inſiſted upon for the recall of Mr. Haſtings at that time, was the Mahratta war, and ſaid, he could not then, nor would he now vote for the recall of Mr. Haſtings on that ground. He was ſatisfied that no degree of the blame of that war lay at the door of Mr. Haſtings. It was the war of the Court of Directors, who had both authorized and juſtified a breach of the treaty of Poorunda. He would not recall Mr. Haſtings, for the faults of the Court of Directors. Another principal ground of the recall of Mr. Haſtings, was, his having paid a ſum of money to

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the Rajah of Berar; he could ſee no blame in that tranſaction; he thought it, in the then circumſtances of affairs, wiſe and prudent; upon it depended the ſucceſs of a meaſure, which, he agreed with the Right Hon. Gentleman, was the moſt praiſe-worthy of Mr. Haſtings' actions—he meant the march of Colonel Pearce's detachment: He maintained therefore, that there was no inconſiſtency in refuſing to recall Mr. Haſtings for offences, of which he did not think him guilty, and conſenting to condemn him now for thoſe things, of which he was guilty.

Mr. *Dundas* anſwered both Mr. Anſtruther and Mr. Fox, denying that his argument of that day was obnoxious to the charge of inconſiſtency, or that any part of his conduct had been inconſiſtent.

Mr. *Burke* thanked God, that the Reſolutions of 1782, that ſtood on the Journals, amply juſtified him. If they had not, he ſaid, he felt the ſituation in which the Right Hon. and learned Gentleman's conduct would have placed him. He repelled the argument that Mr. Haſtings' re-appointment to the office of Governor General in 1780, was a parliamentary pardon, and appealed to the common ſenſe of every man who heard him, whether Mr. Haſtings had pleaded that ſort of pardon in bar of any farther proceeding? Had he not, on the contrary, appeared indignant, and proudly angry at what

what had paſſed? Had he not talked rather in the ſtyle of their maſter, than as a culprit before them? Had he not vomited forth the proffered pardon in their faces, and boldly and loudly demanded reparation for his injured honour? Mr. Burke purſued this animated ſtrain for ſome time, and was laughably ſevere on the new Board of Controul and its Members, who, he ſaid, by rubbing againſt each other, juſt as the old Scotch proverb ſaid, "the pigs love by ligging together," would generate affection, and become cordial friends, however adverſe their ancient opinions, however hoſtile their former political ſentiments. The Right Hon. and learned Gentleman had, he ſaid, pretended to palliate the ſhameful barbarity of extirpating the Rohillas, by arguing that only a part of them, and thoſe ſtrangers and intruders had been removed—but the place where a man's anceſtors had ſettled and fixed their reſidence, became, he ſaid, to all intents and purpoſes, his home, and it was as great an act of injuſtice to remove him from thence, as if it had been his by the moſt remote and ancient poſſeſſion. His Right Hon. Friend had inſtanced this by an example from Ireland, and he would illuſtrate it by one more likely to impreſs the fallacy of the learned Gentleman. He wiſhed to know whether the learned Gentleman would be ſatisfied by a law for removing every Scotchman and the deſcendants of Scotchmen back

to the other ſide of the Tweed—or whether he would be inclined to conſider it in that inſignificant and trifling light, in which he ſeemed to look upon the removal of the unfortunate Rohillas beyond the Ganges. He could, he ſaid, hardly have expected to find ſuch an oppoſition, and from ſuch a quarter, to his motion; but he was determined to perſerve to the utmoſt of his ability, and was determined, if the Motion was negatived, in juſtice to himſelf, and to leave behind him a record, that neither motives of party, nor private animoſity, as had been inſinuated, had governed his conduct, move the ſeveral facts on which it was founded, as truiſms, in ſeparate Reſolutions, in order that they might remain on the journals, for his juſtificacation.

Mr. *Strachey* ſaid, that the Committee muſt not ſuppoſe that he meant at that late hour in the morning, to preſume to offer any opinion or arguments of his upon the important queſtion that had received from the ableſt men in the Houſe, ſo complete a diſcuſſion; that he only wiſhed to trouble them with a few words upon a ſubject rather foreign from the queſtion before them, for that in truth he ſaw no analogy between the caſe of the late Lord Clive, and that of Mr. Haſtings; that he could not bear to hear reflections thrown upon the name and memory of that great man, ſo dear to himſelf as an individual, and ſo eminent for his

ſervices to his country; that a learned Gentleman [Mr. Hardinge] had aſſerted that Lord Clive had taken bribes, and that a Right Hon. Gentleman (Mr. Fox) had aſſerted that Lord Clive had committed great crimes; that theſe expreſſions had perhaps been haſtily, he was ſure they were unjuſtly uſed; that he begged leave to call to the recollection of thoſe Gentlemen, and of the Houſe at large, what was the caſe of his deceaſed friend, and what was the charge, the only charge, exhibited againſt him: that the charge was, that the Noble Lord in the year 1756, upon the reſolution againſt the tyrant Suraja Dowla, did, through the influence of the power with which he was inveſted as Commander in Chief, obtain a certain ſum of money, and that in ſo doing he had abuſed the power in which he was intruſted—that this was the whole of the Charge—here were the bribes he had taken—here the great crimes he had committed. That this motion of Charge had been grounded upon an abſtract propoſition voted the week before, expreſsly for the purpoſe, that all acquiſitions made under the influence of military power, belonged to the State. That although the Houſe voted that abſtract Propoſition, they revolted at the idea of applying it to the caſe of a man, who had performed ſuch ſignal ſervices, who at the time of acquiring his own fortune at the head of an army (when he might honourably

nourably have acquired ten times more than he did) had reſcued the Eaſt India Company, and the whole ſettlement of Bengal from abſolute bankruptcy ; who had obtained indemnification to the Company for all their loſſes in the war, to the amount of no leſs than one hundred lacks of rupees, who had received the warmeſt acknowledgments from his employers for the ſervices he had done them, nay, who had received their explicit approbation of the fortune he had at the ſame time acquired for himſelf, and who had moreover remained in quiet enjoyment of that fortune for above ſixteen years. That the Houſe upon theſe grounds rejected the motion of cenſure, by a very large majority, and the reſult of the whole enquiry, proved that the only crime Lord Clive had committed, was, that in the year 1756, he did not know what Parliament itſelf did not declare until ſixteen years after, that money obtained by a military commander, at the head of a victorious army, and confirmed to him by the State he ſerved, belonged to that State and not to himſelf.

Mr. *Martin* in a few words, declared what he had heard that day, and the day preceding, had conſiderably altered his opinion reſpecting Mr. Haſtings, and he ſhould vote for the Queſtion.

The

The Committee now divided, when the numbers were:

Ayes 67
Noes 119

The House immediately adjourned, it being half an hour past Seven O'clock in the morning.

FINIS.